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Report of the Congressional Committees Investigating the

Iran-Contra Affair

Appendix B: Volume 7
Depositions

Daniel K. Inouye, *Chairman*,
Senate Select Committee
Lee H. Hamilton, *Chairman*,
House Select Committee

U.S. Senate Select Committee
On Secret Military Assistance to Iran
And the Nicaraguan Opposition

U.S. House of Representatives
Select Committee to Investigate
Covert Arms Transactions with Iran

November 13, 1987.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed.

November 17, 1987.—Ordered to be printed.

Washington : 1988

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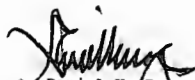
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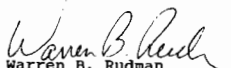
Honorable John C. Stennis
President pro tempore
United States Senate
Washington, D.C.

Dear Mr. President:

We have the pleasure to transmit herewith, pursuant to Senate Resolution 23, Appendix B to the final Report of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. We will submit such other volumes of Appendices to the Report as are authorized and as they become available.

Sincerely,


Daniel K. Inouye
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SELECT COMMITTEE TO INVESTIGATE

COVERT ARMS TRANSACTIONS WITH IRAN

UNITED STATES CAPITOL

WASHINGTON, DC 20515

(202) 225-7902

March 1, 1988

The Honorable Jim Wright
Speaker of the House
U. S. Capitol
Washington, D. C. 20515

Dear Mr. Speaker:

Pursuant to the provisions of House Resolutions 12 and 330 and House Concurrent Resolution 195, 100th Congress, 1st Session, I transmit herewith Appendix B to the Report of the Congressional Committees Investigating the Iran-Contra Affair, House Report No. 100-433, 100th Congress, 1st Session.

Appendix B consists of the depositions taken by the Select Committees during the investigation. The contents of Appendix B have been declassified for release to the public.

Sincerely yours,



Lee H. Hamilton
Chairman

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Contents

Volume 7

Preface	XXI
Cooper, Charles J	1
Coors, Joseph	713
Corbin, Joan	773
Corr, Edwin G	837
Coward, John C	896
Coy, Craig P	937
Crawford, Iain T.R	1135

Depositions

Volume 1

Airline Proprietary Project Officer.
Alvarez, Francisco J.
Allen, Charles.
Arcos, Cresencio.

Volume 2

Armitage, Richard.
Artiano, Martin L.
Associate DDO (CIA).
Baker, James A., III.
Barbules, Lt. Gen. Peter.
Barnett, Ana.
Bartlett, Linda June.
Bastian, James H.
Brady, Nicholas F.
Brown, Arthur E., Jr.

Volume 3

Byrne, Phyllis M.
Calero, Adolfo.
Castillo, Tomas ("W").
Cave, George W.
C/CATF.

Volume 4

Channell, Carl R.
Chapman, John R. (With Billy Ray Reyer).
Chatham, Benjamin P.
CIA Air Branch Chief.
CIA Air Branch Deputy Chief.
CIA Air Branch Subordinate.
CIA Chief.
CIA Communicator.
CIA Identity "A".

Volume 5

CIA Officer.
Clagett, C. Thomas, Jr.
Clark, Alfred (With Gregory Zink).
Clarke, George.
Clarridge, Dewey R.
Cline, Ray S.
C/NE.
Cohen, Harold G.

Volume 6

Collier, George E.
Cole, Gary.
Communications Officer Headquarters, CIA.
Conrad, Daniel L.

Volume 7

Cooper, Charles J.
Coors, Joseph.
Corbin, Joan.
Corr, Edwin G.
Coward, John C.
Coy, Craig P.
Crawford, Iain T.R.

Volume 8

Crawford, Susan.
Crowe, Adm. William J.
Currier, Kevin W.
DCM, Country 15.
DEA Agent 1.
DEA Agent 2.
DEA Agent 3.
deGraffenreid, Kenneth.
de la Torre, Hugo.
Deputy Chief "DC".

Volume 9

Duemling, Robert W.
DIA Major.
Dietel, J. Edwin.
Dowling, Father Thomas.
Dutton, Robert C.
Earl, Robert.

Volume 10

Farber, Jacob.
Feldman, Jeffrey.
Fischer, David C.
Floor, Emanuel A.
Former CIA Officer.
Fraser, Donald.
Fraser, Edie.
Fuller, Craig L.

Volume 11

Furmark, Roy.
Gadd, Richard.
Gaffney, Henry.
Gaffney, Henry (With Glenn A. Rudd).
Galvin, Gen. John R.
Gantt, Florence.
Garwood, Ellen Clayton.
Gast, Lt. Gen. Philip C.
Gates, Robert M.
Glanz, Anne.

Volume 12

George, Clair.
Godard, Ronald D.
Godson, Roy S.
Golden, William.
Gomez, Francis D.
Goodman, Adam.
Gorman, Paul F.
Graham, Daniel O.
Gregg, Donald P.
Gregorie, Richard D.
Guillen, Adriana.

Volume 13

Hakim, Albert.

Volume 14

Hall, Wilma.
Hasenfus, Eugene.
Hirtle, Jonathan J.
Hooper, Bruce.

Hunt, Nelson Bunker.
Ikle, Fred C.
Jensen, D. Lowell.
Juchniewicz, Edward S.
Kagan, Robert W.
Keel, Alton G.
Kellner, Leon B.
Kelly, John H.
Kiszynski, George.

Volume 15

Koch, Noel C.
Kuykendall, Dan H.
Langton, William G.
Lawn, John C.
Leachman, Chris J., Jr.
Ledeen, Michael A.

Volume 16

Leiwant, David O.
Lilac, Robert H.
Lincoln, Col. James B.
Littledale, Krishna S.
McDonald, John William.
McFarlane, Robert C.
McKay, Lt. Col. John C.
McLaughlin, Jane E.

Volume 17

McMahon, John N.
McMahon, Stephen.
McNeil, Frank.
Makowka, Bernard.
Marostica, Don.
Marsh, John.
Mason, Robert H.

Volume 18

Meese, Edwin III.
Melton, Richard H.
Merchant, Brian T.
Meo, Philip H.
Miller, Arthur J.
Miller, Henry S.
Miller, Johnathan.

Volume 19

Miller, Richard R.

Volume 20

Motley, Langhorne A.
Mulligan, David P.
Nagy, Alex G.
Napier, Shirley A.
Newington, Barbara.
North, Oliver L.
O'Boyle, William B.
Osborne, Duncan.
Owen, Robert W.
Pena, Richard.
Pickering, Thomas.
Poindexter, John M.

Volume 21

Posey, Thomas V.
Powell, Gen. Colin L.
Price, Charles H., II.
Proprietary Manager.
Proprietary Pilot.
Radzinski, James R.
Ramsey, John W.
Ransom, David M.

Volume 22

Raymond, Walter, Jr.
Regan, Donald T.
Reich, Otto J.
Revell, Oliver B.
Reyer, Billy Ray (See John Chapman).
Reynolds, William B.

Volume 23

Richard, Mark M.
Richardson, John, Jr.
Robelo, Alfonso.
Robinette, Glenn A.
Rodriguez, Felix I.
Roseman, David.

Rosenblatt, William.
Royer, Larry.
Rudd, Glenn A.
Rudd, Glenn A. (See Henry Gaffney).

Volume 24

Rugg, John J.
Russo, Vincent M.
Sanchez, Nestor.
Scharf, Lawrence.
Schweitzer, Robert L.
Sciaroni, Bretton G.
Secord, Richard V.

Volume 25

Shackley, Theodore G.
Sigur, Gaston J.
Simpson, Major C.
Sinclair, Thomas C.
Singlaub, John K.

Volume 26

Slease, Clyde H., III.
Smith, Clifton.
Sofaer, Abraham D.
Steele, Col. James J.
Taft, William H., IV.
Tashiro, Jack T.
Teicher, Howard.
Thompson, Paul.
Tillman, Jacqueline.

Volume 27

Thurman, Gen. Maxwell.
Trott, Stephen S.
Tull, James L.
Vessey, John.
Walker, William G.
Watson, Samuel J., III.
Weinberger, Caspar.
Weld, William.
Wickham, John.
Zink, Gregory (See Alfred Clark).

Preface

The House Select Committee to Investigate Covert Arms Transactions with Iran and the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, under authority contained in the resolutions establishing them (H. Res. 12 and S. Res. 23, respectively), deposed approximately 290 individuals over the course of their 10-month joint investigation.

The use of depositions enabled the Select Committees to take sworn responses to specific interrogatories, and thereby to obtain information under oath for the written record and develop lines of inquiry for the public hearings.

Select Committees Members and staff counsel, including House minority counsel, determined who would be deposed, then sought subpoenas from the Chairmen of the Select Committees, when appropriate, to compel the individuals to appear in nonpublic sessions for questioning under oath. Many deponents received separate subpoenas ordering them to produce certain written documents.

Members and staff traveled throughout the United States and abroad to meet with deponents. All depositions were stenographically reported or tape-recorded and later transcribed and duly authenticated. Deponents had the right to review their statements after transcription and to suggest factual and technical corrections to the Select Committees.

At the depositions, deponents could assert their fifth amendment privilege to avoid self-incrimination by refusing to answer specific questions. They were also entitled to legal representation. Most Federal Government deponents were represented by lawyers from their agency; the majority of private individuals retained their own counsel.

The Select Committees, after obtaining the requisite court orders, granted limited or "use" immunity to about 20 deponents. Such immunity means that, while a deposed individual could no longer invoke the fifth amendment to avoid answering a question, his or her compelled responses—or leads or collateral evidence based on those responses—could not be used in any subsequent criminal prosecution of that individual, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the court order.

An executive branch Declassification Committee, located in the White House, assisted the Committee by reviewing each page of deposition transcript and some exhibits and identifying classified matter relating to national security. Some depositions were not reviewed or could not be declassified for security reasons.

In addition, members of the House Select Committee staff corrected obvious typographical errors by hand and deleted personal and proprietary information not considered germane to the investigation.

In these *Depositions* volumes, some of the deposition transcripts are followed by exhibits. The exhibits—documentary evidence—were developed by Select Committees' staff in the course of the Select Committees' investigation or were provided by the deponent in response to a subpoena. In some cases, where the number of exhibits was very large, the House Select Committee staff chose for inclusion in the *Depositions* volumes selected documents. All of the original

exhibits are stored with the rest of the Select Committees' documents with the National Archives and Records Administration and are available for public inspection subject to the respective rules of the House and Senate.

The 27 volumes of the *Depositions* appendix, totalling more than 30,000 pages, consist of photocopies of declassified, hand-corrected typewritten transcripts and declassified exhibits. Deponents appear in alphabetical order.

Publications of the Senate and House Select Committees

Report of the Congressional Committees Investigating the Iran-Contra Affair,
1 volume, 1987.

Appendix A: *Source Documents*, 2 volumes, 1988.

Appendix B: *Depositions*, 27 volumes, 1988.

Appendix C: *Chronology of Events*, 1 volume, 1988.

Appendix D: *Testimonial Chronology*, 3 volumes, 1988.

All publications of the Select Committees are available from the U.S.
Government Printing Office.

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DEPOSITION OF CHARLES J. COOPER

Monday, June 22, 1987

U.S. House of Representatives,
 Select Committee to Investigate
 Covert Arms Transactions with Iran,
 Washington, D.C.

The committee met, pursuant to call, at 9:40 a.m., in
 Room B-352, Rayburn House Office Building, Pamela J. Naughton,
 presiding.

Present: Pamela J. Naughton, Staff Counsel; Richard Leon,
 Deputy Chief Minority Counsel; and Tina Westby, Associate
 Staff, on behalf of the House Select Committee.

Richard Parry, Associate Counsel, on behalf of the Senate
 Select Committee.

Also present: Dee Benson, personal representative to
 Senator Orrin Hatch; and John R. Bolton, Assistant Attorney
 General, Office of Legislative Affairs, U.S. Department of
 Justice, on behalf of the witness.

Partially Declassified/Released on DEC 21, 1997
 under provisions of E.O. 12356
 by D. Sisto, National Security Council

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1 Whereupon,

2 CHARLES J. COOPER, was called as a witness,
3 and after having been first duly sworn, was examined and
4 testified as follows:

5 EXAMINATION ON BEHALF OF THE HOUSE SELECT COMMITTEE

6 BY MS. NAUGHTON:

7 Q Could you state and spell your name for the record,
8 please.

9 A Charles J. Cooper, C-o-o-p-e-r.

10 Q 'This is a deposition taken by the House Select
11 Committee to Investigate Covert Arms Transactions with Iran.
12 My name is Pamela J. Naughton, Staff Counsel to the House
13 Committee.

14 Would the others present please introduce
15 themselves.

16 MR. LEON: Richard Leon, Deputy Chief Minority
17 Counsel for the House Committee.

18 MS. BENSON: Dee Benson, Senator Hatch's
19 personal representative to the committee.

20 MR. BOLTON: John Bolton, Assistant Attorney
21 General for Legislative Affairs.

22 BY MS. NAUGHTON:

23 Q Mr. Cooper, are you personally represented today?

24 A No.

25 MS. NAUGHTON: Then, Mr. Bolton, according to our

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1 rules, you should not be here.

2 THE WITNESS: I am advised by Mr. Bolton that he is
3 here representing me in my official and personal capacity,
4 which was the understanding reached by the Department of
5 Justice and representatives of the Select Committee, as I am
6 advised.

7 BY MS. NAUGHTON:

8 Q Well, Mr. Cooper, you are the client. It is your
9 choice.

10 Do you choose to have Mr. Bolton personally
11 represent you in this deposition?

12 A I choose to have Mr. Bolton here if that is
13 consistent with the committee's rules and understandings,
14 but I have not retained anyone as personal counsel.

15 Q Okay.

16 Mr. Cooper, according to the rules, the rules
17 prohibit any observers to the depositions who are not the
18 personal representatives of the witness and specifically pre-
19 clude any observers from the agencies from which the witness
20 comes. That is why we are sort of splitting hairs with you.

21 You are entitled to a personal representative at
22 this deposition, but observers are not entitled to be at the
23 deposition.

24 So I have to ask you whether you are personally
25 represented by Mr. Bolton or whether he is here to represent

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1 the Department.

2 (Witness conferring with Mr. Bolton.)

3 THE WITNESS: I am advised by Mr. Bolton that
4 with respect to previous witnesses who have provided deposi-
5 tions to the committee, that representatives and counsel from
6 their Departments were present as personal and departmental
7 representatives, and based upon that precedent, I would cer-
8 tainly designate John Bolton as my personal representative of
9 those within the Department.

10 BY MS. NAUGHTON:

11 Q I understood your sentence except for the last
12 phrase.

13 What do you mean "of those within the Department?"

14 A Well, of all the individuals within the Department,
15 that I think it would be appropriate for me to have present
16 at this deposition, John Bolton is the individual.

17 So I am pleased to have him here as my personal
18 representative as well as the Department representative.

19 Q So it is your understanding that Mr. Bolton is
20 here as your personal counsel, as well as representing the
21 Department of Justice; is that correct?

22 A Pam, the -- here is the pitch, okay. Let's go off
23 the record.

24 (Discussion off the record.)

25 MS. NAUGHTON: Back on the record.

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1 We are back on the record and let the record reflect
2 that we had a discussion of this and in the meantime, two
3 others came into the room.

4 Would you identify yourselves for the record.

5 MR. PARRY: Richard Parry, Associate Counsel with
6 the Senate Committee.

7 MS. WESTBY: Tina Westby, Associate Staff, House
8 Committee.

9 MS. NAUGHTON: As I explained off the record to
10 Mr. Cooper, the rules of the House Committee permit personal
11 counsel to appear with the witness, but do not allow people
12 representing the agencies to appear as observers to the pro-
13 ceeding. This is for protection of the witness as well as
14 protection for the committee's materials.

15 Therefore, Mr. Cooper, I would ask you again, are
16 you personally represented at these proceedings?

17 THE WITNESS: Yes, and as I discussed off the
18 record, I advised counsel that I have no intention of retaining
19 private counsel in this matter, but based upon counsel's
20 explanation of the understanding reached with the Department
21 and of the purposes for which personal counsel are here, and
22 are permitted to be present, that I recognize John Bolton to
23 be here as my personal representative.

24 BY MS. NAUGHTON:

25 Q Okay. And do you wish these proceedings to remain

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1 confidential or do you waive attorney-client privilege?

2 A I waive attorney-client privilege. I have no wish
3 that the proceedings be confidential.

4 MR. BOLTON: For the record, we do not necessarily
5 accept either the committee's rules or the committee's
6 interpretation of its rules as binding on the Executive
7 Branch.

8 However, in the spirit of full cooperation, which
9 we have displayed throughout the committee's investigation,
10 we have determined, in agreement with the committee, to abide
11 by the procedures that Ms. Naughton has previously stated.

12 BY MS. NAUGHTON:

13 Q Mr. Cooper, I am going to hand you -- this is a
14 letter inviting you to appear at the committee hearing this
15 week hopefully. The letter says that you will be advised as
16 to when your testimony will be wanted. It is sort of a day-by-
17 day thing in terms of how the committee progresses and when we
18 will be needing you.

19 I envision right now Thursday afternoon perhaps
20 that you will be testifying, but that is not etched in stone.
21 It is sort of like a trial and things sometimes go more slowly
22 than anticipated.

23 If you could block out Thursday and Friday on your
24 calendar this week, we would appreciate it. It will be in the
25 Russell Building on the Senate side on the third floor.

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1 A Fine. I would be happy to do so.

2 MR. BOLTON: The letter is addressed to Hon.

3 Charles J. Cooper with his title and address, dated June 19,
4 1987. I think the record should reflect that to my knowledge,
5 no one in the Department has seen this before so we are receiv-
6 ing it at approximately 9:55 on June 22nd.

7 "The House Select Committee to Investigate Covert
8 Arms Transactions with Iran and the Senate Select Committee on
9 Secret Military Assistance to Iran and the Nicaraguan Opposi-
10 tion will resume its joint hearings on June 23, 1987.

11 "The members of the committee request your
12 appearance before those joint hearings.

13 "You will be notified of the exact date and time
14 your testimony is requested. If you have any questions con-
15 cerning your appearance before the committees, please contact
16 John Nields, the committee's Chief Counsel, at 225-7902.

17 "Thank you for your cooperation in this matter.

18 "With best wishes, I am sincerely yours, Lee H.
19 Hamilton, Chairman."

20 BY MS. NAUGHTON:

21 Q Could you please tell us something about your back-
22 ground? Let's go through law school and then with jobs you
23 have had since.

24 A I attended law school at the University of Alabama
25 School of Law. I ^{had} ~~have~~ been an undergraduate at Alabama as

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1 well. I graduated in 1977 and from there accepted a clerkship
2 with Judge Paul Roney of the Fifth Circuit Court of Appeals.

3 After my clerkship to Judge Roney, which lasted
4 one year, one term of court, I clerked for Justice William H.
5 Rehnquist of the Supreme Court and after that clerkship, I
6 returned to the South to Atlanta, Georgia, to practice law
7 for two years in the law firm called Long and Aldridge.

8 At that time, it was Long, Aldridge, Heiner,
9 Stevens & Sumner, where I worked as an associate in the
10 litigation area of the firm in a general corporate commercial
11 litigation practice.

12 In the summer of 1981, I joined the Department of
13 Justice as a Special Assistant to Brad Reynolds in the Civil
14 Rights Division.

15 I stayed in that position for a year or thereabouts
16 and was promoted to Deputy Assistant Attorney General, and I
17 served in that capacity in the Civil Rights Division for the
18 next three years or thereabouts.

19 On November 13th, I think, 1985, I guess, I became
20 the Assistant Attorney General for the Office of Legal
21 Counsel, having been appointed by the President and confirmed
22 by the Senate.

23 Q Thank you.

24 So since when have you been with the Department of
25 Justice?

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1 A In August, actually, of 1981. Not long after
2 Mr. Reynolds was confirmed.

3 Q Now, concerning the Iran arms transaction, which is
4 the subject of this committee's inquiry, did you have any
5 knowledge of the shipments prior to, let's say, November 1st
6 of 1986? Were you aware of any findings or that any shipments
7 had taken place?

8 A No, I was not, unless by that time there had been
9 news reports with which I was familiar, although I don't think
10 that is the case either. But that would have been the only
11 source of knowledge on my part.

12 Q So your involvement, I take it, ~~was~~ came in November,
13 on November 7, 1986; is that correct?

14 A That is correct.

15 Q Can you tell us what happened on November 7th,
16 1986, to bring your attention to this?

17 A On that day, the Department, the management level of
18 the Department, was meeting out in the Virginia countryside at
19 the Xerox conference facility. We were having a management
20 retreat, so to speak. And I think it was on the 7th, we were
21 there for a couple of days, but I think it was on the first day
22 that we were there, and on the morning of the 7th, the Attorney
23 General, when he had arrived from Washington, before we got
24 started, pulled me to the side and advised me that the Iran
25 arms controversy that had been at that point disclosed and

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1 discussed quite prominently in the press was something that
2 would, in all likelihood, generate some work for me in my
3 office, and that I should be alert to that fact, and he was
4 just giving me a heads up.

5 But I think on that occasion, he suggested
6 that I get in touch with Paul Thompson at the NSC, who was
7 the General Counsel at the NSC at the time; in general to dis-
8 cuss this matter and to start developing some factual back-
9 ground.

10 Q When you spoke with the Attorney General, what
11 were his legal concerns about the Iran arms shipment?

12 A He did not, to my recollection, identify any
13 specific concerns. He just suggested that there would be
14 some -- undoubtedly some legal work to be done in connection
15 with this whole matter, and I think at that time he told me it
16 was a very sensitive issue, a very sensitive matter and that
17 it should be treated accordingly within my office, whatever it
18 was that ensued with respect to my office. And that I should
19 try to limit the individuals who worked with me directly on it
20 and to the extent I could limit the number of people working -
21 assisting me in any of the work that ensued, that would be
22 advisable.

23 Q Did you discuss at that time --

24 A In fact, I think he expressed a preference that I
25 try to keep the staffing on this down to one lawyer assisting

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1 me.

2 Q Did he suggest to you any particular individual?

3 A Oh, no. I don't think he would know the names of
4 anyone in my office other than me and my deputies, probably.

5 Q Did you discuss any particular statute, the Arms
6 Export Control Act, the Foreign Military Sales Act?

7 A No. There was no specific legal discussion,
8 just the general heads up that legal work would be generated
9 by this for my office.

10 Q Did the Attorney General at that time mention
11 that he had participated in the finding in or around January
12 of 1986?

13 A I don't think that he did.

14 Q Did he tell you anything about his prior
15 knowledge; that is, his knowledge prior to November of 1986
16 about the Iranian arms transaction?

17 A No. This conversation was literally one that we
18 had in the hall as individuals were filing into this meeting
19 room, and it was extremely brief.

20 I mean, there just was no -- it wasn't a chat.
21 He was just essentially giving me a heads up, as I said.

22 Q Now, you met with Paul Thompson, I believe, on
23 November 12, 1986; is that correct?

24 A To the best of my recollection, and as well to
25 the best of my recollection at the time, I did my chronology.

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1 with which you are acquainted, it was November 12th.

2 Q When did you actually write the chronology?

3 A Well, there is not a specific date, but it was --
4 the chronology actually kind of grew in that in going back
5 over it other things would occur to me and I would inter-
6 lineate them as well as the assistant who assisted me on what
7 now has become every phase of this Iran business, John
8 McGinnis reviewed it as well and made interlineations and
9 notations of his own.

10 But I would say that it was within a week of the
11 Tuesday press conference, and I should think not long after
12 that press conference, maybe a couple of days or so, that I
13 sat down and searched my memory in order to create this
14 chronology, knowing, I think, at that point that my participa-
15 tion in this matter on a from beginning-to-end basis would
16 become of interest to others.

17 But as I say, the thing did kind of grow. There
18 are ways to see the matters that were added after the initial
19 drafting of the chronology, because that was in green, although
20 this may not show up on your copies of the chronology, but
21 there are red and blue interlineations that were added after
22 the green, the basic chronology was created.

23 Q When you refer then to the Tuesday press conference,
24 you mean the Attorney General's on November 25, 1986?

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1 A Yes.

2 Q Did anything transpire regarding your work between
3 November 7 and November 12 when you met with Mr. Thompson?

4 A Yes. We kind of -- when I say we, I mean John
5 McGinnis and I -- not long after I got back from the Xerox
6 center, I asked John McGinnis to be prepared to assist me
7 with respect to anything that came down the pike on this. And
8 we were kind of rooting ~~and ourselves~~ ^{around} with only the information
9 that we gleaned from the newspaper, which at that point was
10 kind of rudimentary, but based upon the information that we
11 could glean from the media, we started trying to identify
12 statutes and Federal laws and what have you that would apply
13 to the whole Iran thing.

14 I should say that John McGinnis pulled the laboring
15 oar on that. He was the individual who was kind of searching
16 around in the juris and lexis for statutes that govern arms
17 sales to foreign countries particularly.

18 Q So by the time you went to speak to Commander
19 Thompson, did you have in mind what some of the legal issues
20 might be after speaking with Mr. McGinnis?

21 A I would say not really. To the extent that I did,
22 it was the vaguest and broadest outlines. By that time, we
23 might have discussed the Arms Export Control Act, which is
24 pretty obvious in terms of its potential applicability anyway,
25 and -- but I just don't remember having any specific

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1 conversations with John prior to the time I talked to Paul
2 Thompson.

3 Q Did you discuss with Mr. McGinnis prior to the
4 November 12th meeting, did you discuss with Mr. McGinnis
5 that there had been a finding or the legal significance of a
6 finding regarding these shipments?

7 A I don't think so. I don't think so. It is
8 entirely possible that we did, but I just don't remember
9 whether we had identified the National Security Act and
10 Hughes-Ryan -- I am certain we had not focused particular
11 attention on Hughes-Ryan, but --

12 MR. LEON: Did you know what a finding was?

13 THE WITNESS: No, the concept of a finding was
14 quite foreign to me, certainly before November 7th, and it
15 wasn't until some time after November 7th and it may well
16 have been not until after my meeting with Thompson that the
17 concept of a finding -- well, no, let me take that back,
18 because when I went there, I knew I was going to see a finding
19 and I had had conversations over the telephone or at least a
20 conversation over the telephone with Paul Thompson, and so
21 prior to the time I actually sat down with Thompson on the
22 12th, I had become acquainted at least conceptually with a
23 finding and the fact that it is required under certain statute
24 governing this stuff, Hughes-Ryan, in particular.

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1 BY MS. NAUGHTON:

2 Q And at that time prior to November 12th, did you
3 know that there were any 1985 shipments?

4 A No, that we didn't know until we received a
5 chronology, a draft chronology from the NSC from Paul Thompson
6 some time -- November 17th -- at least by our best reckoning,
7 November 17th. But we were entirely unaware that any pre-
8 finding arms activity of any kind had taken place until we
9 received that chronology.

10 Q Had you tasked Mr. McGinnis with writing you a
11 memorandum of statutes that could be involved?

12 A Well, I tasked him with preparing a memorandum
13 not to me really, but with preparing a draft that would be
14 from me or the office to the Attorney General that would
15 identify in a general way applicable statutes and examine those
16 statutes against the facts as we knew them, which was not cer-
17 tainly authoritatively, but it was that kind of memo that was
18 contemplated, and that he was at that time preparing.

19 Q I assume you went over to the Old Executive Office
20 Building by the White House on November 12; is that correct?

21 A It was the White House, Poindexter's office was in
22 the West Wing, and Paul Thompson had a little very compact
23 office right next to his, Poindexter's.

24 Q Did you meet with Mr. Poindexter?

25 A Yes, I did. I met him and had some general

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1 conversation in his office with Paul present for what couldn't
2 have been more than ten minutes or thereabouts.

3 You know, it was a brief conversation. The purpose
4 of which seemed more for me and Poindexter simply to make
5 each other's acquaintance.

6 I had never met the man prior to that and he un-
7 doubtedly didn't know who the heck I was, never heard of me.
8 But we exchanged pleasantries and in the most general way our
9 conversation touched, I guess, on the Iran arms transfer,
10 but in terms of developing actual facts or background on it,
11 Poindexter was going to leave that to Paul Thompson and I
12 subsequent to my meeting with him.

13 Q To the best of your recollection, what did
14 Admiral Poindexter say to you?

15 A I don't have any specific recollection of anything
16 that he said to me. I only have a general recollection that
17 it was just general chitchat really and just getting acquainted
18 with one another.

19 I just can't recall any specific points in our
20 conversation.

21 Q So Admiral Poindexter did not tell you about any
22 specific shipments of arms to Iran and he did not discuss
23 with you any particular legal problems that he wanted you to
24 look into; is that correct?

25 A That is correct to the best of my recollection, yes

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1 and my recollection is that that did not take place.

2 Q Okay.

3 What was his understanding as it may have been
4 expressed to you that he understood you were to do? Did you
5 discuss that -- in other words, your role in this?

6 A Well, I am certain -- I mean, my reason for being
7 there was to discern from people who were knowledgeable about
8 what the facts were, what the facts were so that I could
9 examine them for legal issues.

10 I was there as the Assistant Attorney General for
11 the Office of Legal Counsel, and the very nature of my office
12 and my position as such that we examine legal issues, and do
13 so authoritatively for the Executive Branch.

14 So it was quite obvious that I was there for that
15 purpose.

16 I don't, however, recall any specific legal
17 issues having been raised in my conversation with Poindexter,
18 no citations to particular statutes or anything of that
19 nature.

20 Q So to the best of your recollection, the only thing
21 Poindexter basically said to you is, "Hi, how are you and
22 Paul Thompson will tell you the facts?"

23 A Well, I just don't have any recollection even that
24 he said those things, although I do know that -- and I do have
25 a firm recollection that Paul Thompson was to provide me with

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1 the information that they could and had been able to develop
2 up until that time and, therefore, could provide me. That
3 was not -- I was not there to debrief Poindexter on facts.

4 Q Did Admiral Poindexter say that you would get all
5 the facts?

6 A Oh, well, I don't recall him making any specific --
7 any specific point of that, but that was -- there was no
8 indication to the contrary.

9 I mean, the whole thing was quite obviously open and
10 they were there to try to provide me, and they assured me
11 that I was going to be provided with all the facts that they
12 could probably develop.

13 Q I guess I will ask the question in the negative.
14 Did he tell Mr. Thompson or you that there were some facts
15 that you couldn't know about?

16 A No. ~~Yes~~ I can say that with great confidence.

17 MR. LEON: Let me ask one question.

18 Was it your sense that you were there because
19 Admiral Poindexter wanted a review of the Department of
20 Justice of potential legal problems or because the Attorney
21 General was asked to do that at the behest of somebody else
22 other than Admiral Poindexter?

23 THE WITNESS: It was not the latter. I had no
24 understanding or evidence supporting an understanding that
25 someone other than Poindexter and the AG were interested in

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1 having the -- any legal issues that were raised by the
2 facts that were gathered examined.

3 BY MS. NAUGHTON:

4 Q Did either Admiral Poindexter or Mr. Thompson
5 tell you that other legal departments of other agencies or
6 White House counsel were also going to work on the legal
7 issues?

8 A No, though your question brings to mind the point
9 that it may well be that in my conversation with Poindexter,
10 and certainly in my conversation with Thompson later, the
11 point was made that the finding itself had been reviewed for
12 legality and passed on by the AG, and I think Stan Sporkin was
13 cited at that time as well, though I am less certain of that.

14 Q Was there any discussion of, let's say, White House
15 counsel being involved in studying the legal issues?

16 A None at all.

17 Q Was there any discussion of the State Department
18 Legal Advisor's Office being consulted on legal issues?

19 A Certainly not that I recall, although the State
20 Department did provide the analysis on which some of the
21 authority was based for the finding and for the arms transfer
22 activities. But that had been under a previous regime in 1981
23 when Davis Robinson had analyzed a similar circumstance, and
24 that analysis explicitly provided the foundation for some of
25 the legal conclusions that were reached with respect to the

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1 finding. And I think that there was conversation between Paul
2 Thompson and I on that point as well.

3 Q But no discussion of contemporaneous legal
4 review?

5 A No, not that I recall.

6 Q You then went with Commander Thompson or stayed in
7 his office or -- at the White House; is that correct?

8 A Yes.

9 Q Did he produce for you the finding?

10 A He did.

11 Q Which finding was this?

12 A It was a finding dated January 17th, and along
13 with the finding was a cover memorandum or a memorandum which
14 elongated on the basis and purposes of the Iranian initiative.

15 Q Was there writing in blue ink on this one, do you
16 recall?

17 A On the finding?

18 Q Yes.

19 A No, I don't recall that.

20 Q Were there any handwritten insertions in the
21 finding?

22 A I don't recall having noted any, and when you say
23 blue ink, I don't remember what color ink the signature was in,
24 but it was my impression as I looked at this document that it
25 was an original, and that it had the original ink markings on

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1 it, and it may well be that it was blue, but I don't recall.

2 Q But other than the signature, I am talking about
3 insertions or handwriting in the text itself -- you don't
4 recall seeing any of that in the finding?

5 A Well, actually there was a notation of some kind to
6 that -- I understood to have been a notation made by John
7 Poindexter.

8 However, I don't recall what it said -- something
9 to the effect that the President has been briefed on this or
10 something, But I can't recall what it said.

11 Q Now, what was the substance of your conversation
12 with Commander Thompson regarding the finding? What did he
13 tell you about it?

14 A I don't have a specific recollection of him making
15 any particular points with respect to the finding itself.
16 He gave it to me, he had it in an envelope in some hidden
17 place in his desk and he produced it to me along with the
18 cover memo and I sat there and I read the finding and the
19 cover memo for whatever length of time it took me to read it,
20 and I think our -- you know, the only parts of our conversa-
21 tion I have a specific recollection of didn't relate particu-
22 larly to the finding.

23 Q What legal issues did you discuss with Commander
24 Thompson?

25 A I don't have a specific recollection of discussing

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1 any legal issues with him at that time. I just recall having
2 discussed the background of the initiative and the facts lead-
3 ing up to and justifying the initiative.

4 Q If we could stop there for a minute. Rather than
5 ask a general question to describe the conversation, tell me
6 what Thompson told you to the best of your recollection.

7 A I recall him advising me that Ledeem has a lot of
8 the factual background of this, he mentioned Ledeem particu-
9 larly, and that somebody should talk to him.

10 I recall him suggesting to me that they were in the
11 process of developing a chronology of all the facts that they
12 could gather on implementation of the finding and the whole
13 Iranian initiative.

14 I recall him making some points about the fact that
15 the AG had been in on the legal review of the finding when it
16 was proposed.

17 Q What did he say about it?

18 A That the Attorney General had examined the legal
19 authority for the finding and had concluded it was authorized.
20 I don't recall there having been any specific discussion about
21 the Attorney General's statutory analysis or anything that the
22 Attorney General specifically had said, just the conclusory
23 point that this was something that had been examined by him.

24 I do think he referenced to Sporkin, and the
25 fact that Sporkin had done some legal background research on

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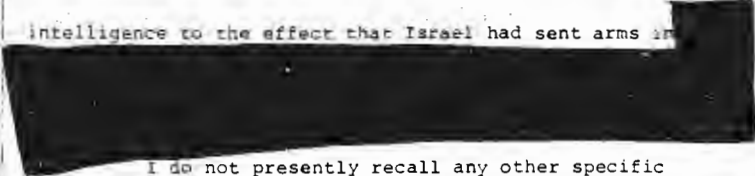
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1 authority to do the things ordered in the finding.

2 I recall him saying that Israel had approached the
3 United States with the idea or at least that was his under-
4 standing -- I also got the impression that he had no personal
5 knowledge of the facts, but that the facts that were being
6 gathered for this chronology were being gathered by people who
7 did have personal knowledge, and principally that was North,
8 in conjunction with McFarlane.

9 But he mentioned that apparently Israel had
10 approached us, that it was their understanding, NSC's under-
11 standing, that -- or belief, suspicion, that Israel had
12 engaged in arms transfers to Iran prior to the time that they
13 approached us, and, in fact, he suggested there was some
14 intelligence to the effect that Israel had sent arms in



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17 I do not presently recall any other specific
18 snippets of our conversation, but those are the ones that
19 occur to me at the moment.

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1 BY MS. NAUGHTON:

2 Q Did you have any particular legal points in mind
3 regarding the issues involved that you asked Thompson
4 about?5 A No. Again my purpose for going over there, and
6 I had been nagging Paul prior to the time that I went over
7 there for the purpose of obtaining information, authoritative
8 facts relating to the Iran initiative. The truth is, I was
9 quite disappointed when I got there and there was no chrono-
10 logy ~~that~~ prepared at that moment that I could have and
11 take back with me.12 The only useful thing that I accomplished on
13 that visit was to read the finding and the background
14 memorandum and that was very useful, the background memoran-
15 dum was, because it alerted me to the William French Smith
16 letter that endorsed the earlier State Department analysis
17 which was identified in the memo and was acknowledged by
18 Poindexter to have been the legal foundation for the
19 finding.20 So I knew if it was a Smith letter that I could
21 dig that out at Justice and at least get on the legal trail
22 through that means, but that was the only thing useful to
23 come up.24 You guys have seen the finding and you have
25 seen the memorandum that covered it, so you know essentially

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1 everything that I knew when I left. I didn't know much
2 more than that.

3 Q Did you discuss with Thompson the issue of
4 timely notice?

5 A No. I feel confident that I didn't discuss
6 that issue with him.

7 Q How about any discussion of congressional
8 notification?

9 A Only that it was -- if there was any discussion
10 of it, it was that it is taking place.

11 Q Contemporaneously, you mean.

12 A Yes. Yes.

13 Q Did he say when they started the work on the
14 chronology? Did he say we have been working on it for
15 a week, a day, or an hour?

16 A Well, no. My impression was that they had been
17 working on it for a -- certainly longer than an hour or
18 a day, but I couldn't tell you with certainty exactly how
19 long. Perhaps in the neighborhood of a week. It was some
20 period of time that was significant. But he did not have
21 anything that he could share with me at that time.

22 Q Did he mention who else was involved in drafting
23 the chronology other than Colonel North, Admiral Poindexter
24 and Mr. McFarlane?

25 A Actually he didn't -- I can't state with

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1 certainty that he mentioned McFarlane but I can state with
2 some confidence that he didn't mention Poindexter as being
3 part of the group that was developing the chronology.

4 I can also state with confidence that he did
5 mention North but if he mentioned McFarlane or not -- I
6 think he probably did, but I don't have a specific
7 recollection of it.

8 Q Had you ever met Oliver North?

9 A No, I don't think I had. I don't think I had
10 ever met North.

11 Q Have you since November 12th?

12 A Oh, yes. Yes, I have met him since then. Yes.

13 Q Why don't we digress a minute and you tell me
14 about that.

15 A I met him in what I think was my first
16 acquaintance at all with him on November 20.

17 Q Okay. This is the drafting session?

18 A Well, I wouldn't -- that is not what I would
19 call it, but it was a session in Poindexter's office.

20 Q Why don't we forget that, then, for the moment.
21 We will go on chronologically.

22 Did Commander Thompson ask anything of you?

23 In other words, in drafting this legal memo, did he wish
24 to be kept informed or anything?

25 A No, I don't think so.

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1 Q When you returned to the Department of Justice,
2 then did you discuss this with Mr. McGinnis?

3 A I am sure that I did at some point and it would
4 have been some point prior to the November -- prior to the
5 end of the following day and I suspect I discussed it with
6 him straight away.

7 I do know that as soon as I got back to the
8 Department of Justice, I undertook a search for the
9 William French Smith 1981 opinion. So I am virtually
10 certain that as soon as I got back, I asked John McGinnis
11 to run a search of our own files which is where I expected
12 to find this. He did, and was unsuccessful. So I went
13 and talked to Mary Lawton about it and she dug it out.
14 We did have it, and relied upon it for the November 13
15 general legal memo that we sent to the AG.

16 Q Did you discuss with Mary Lawton the issue of
17 congressional notification in regards to this Smith
18 letter?

19 A I don't think I did. I don't think I focused
20 on that with her.

21 Q In other words, you were not relying on the
22 Smith opinion to say that Congress needed to be notified?

23 A No.

24 MR. BOLTON: Say when, the November 13 memo or
25 generally, or what?

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1 BY MS. NAUGHTON:

2 Q Let's start with the November 13 memo.

3 A Actually I didn't rely on that at any time,
4 November 13 or any time thereafter, for any analysis
5 regarding timely notification.

6 It is my recollection, though hazy, it is my
7 recollection that that memorandum suggested that the
8 President should notify Congress with regard to that
9 particular episode and I have no qualms at all with that
10 conclusion. But the thing that the memo was important
11 for was the proposition that arms could be exported from
12 the United States in connection with an intelligence
13 activity and, therefore, freed of the restraints of the
14 Arms Export Control Act, that when the arms -- when the
15 President has available to him at least two authorities
16 that support the transfer of arms to other countries, the
17 Arms Export Control Act or the National Security Act if
18 it's in connection with an intelligence activity, which
19 this seemed clearly to be, so it was that proposition that
20 the Smith opinion and the related State Department opinion
21 were relevant and important to us on.

22 Q So it is your understanding if the option of
23 using the National Security Act were taken to sell the
24 arms, it still would require a finding and congressional
25 notification?

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1 A Oh, yes. In fact, only if it was done under the
2 National Security Act and the CIA was used would a finding
3 be necessary. But the memo discussed that alternative
4 source of authority for transferring the arms, a finding
5 wouldn't be necessary if the Arms Export Control Act in
6 and of itself were used to transfer arms.

7 Q Now, on November 13 did Mr. McGinnis produce
8 for you a memoranda talking about these legal issues we
9 just discussed?

10 A 'He did.

11 Q Do you recall when in the day he produced that
12 for you?

13 A It was late afternoon on into the evening that
14 he and I worked on that or at least that is the point in
15 time that sticks in my mind. It may well be that I am
16 sure we had discussed prior to the time we actually were
17 examining his draft, the legal issues and analysis that
18 was going into the draft. But I recall it was very hectic
19 that evening because I was finalizing a lengthy speech and
20 lecture to be given at the University of Chicago on Saturday --
21 well, I'm not sure when November 13 was.

22 MR. LEON: Thursday.

23 THE WITNESS: It's a Thursday, okay. That is
24 helpful.

25 On Saturday -- maybe it was Friday, but I was

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1 under pressure to complete a very lengthy lecture and article
2 on consent decrees and was working with another lawyer on
3 that, and they were kind of coming in and out in an alter-
4 native fashion. But John and I worked on this late into
5 the night.

6 .I tried to also keep an eye on the President's
7 speech to the nation which took place that night and from
8 which we got additional information.

9 BY MS. NAUGHTON:

10 Q 'Now, if we can begin with some of the documents,
11 and if I could have the reporter mark this as CJC-1.

12 (Exhibit No. CJC-1 was
13 marked for identification.)

14 BY MS. NAUGHTON:

15 Q This is, Mr. Cooper, is it not, your handwritten
16 chronology that we discussed earlier?

17 A That is what it appears to be. It has a first
18 page that really isn't part of the chronology but was
19 certainly the first page on the legal pad of which the ,
20 chronology begins on the second page, so this does appear
21 to be my chronology.

22 MR. BOLTON: For the record, it bears document
23 production 7694 through 7700.

24 MS. NAUGHTON: And if the reporter could mark
25 CJC-2.

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(Exhibit No. CJC-2 was
marked for identification.)

BY MS. NAUGHTON:

Q Referring to what the reporter has marked
CJC No. 2, is that the legal memorandum Mr. McGinnis
furnished to you?

A This is the legal memorandum that I'm referring
to, earlier in our conversation, I mean. He did provide
me a draft of it and we worked on it and produced it
together.

MR. BOLTON: This document bears document
production Nos. 330112 -- that is the only document produc-
tion number that it has. The other pages being numbered
only consecutively as pages of the memorandum. It's
classified "Secret."

MR. LEON: It also can be located at Bates
J-7634.

BY MS. NAUGHTON:

Q I put a document in front of you that I don't
want marked as an exhibit yet unless we can identify it.
There are some notes at the top of the page from Paul
Thompson. Are these your notes taken of the Thompson
meeting or is this some other topic?

A These are my notes. They are not taken from
the meeting that I had with Paul on or about November 12.

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1 It is a single page and it references from Paul Thompson
2 and then under a line it references to Dave CIA GC, that
3 is Dave Doherty. These notes were taken at a meeting
4 I assume -- am I answering the questions you are not
5 interested in?

6 Q If you can just give me an approximate date of
7 when the notes were taken. We will take it chronologically.

8 A My approximate date would be a very, very
9 approximate date and I would really only be able to give
10 you a range because I'll be darned if I can remember what
11 the date was of the meeting, though I remember the setting
12 and the context of the meeting.

13 I don't remember what the date was. I don't
14 have a good sense at all for when it was, but it is
15 something that we don't have to rely upon my memory alone
16 on, because Paul Thompson was there, Dave Doherty was
17 there, Peter Wallison was there, I think Larry Garrett
18 was there, and it was in Peter's office and I just don't
19 remember whether this was before or after, Ma'am, even the
20 weekend fact finding.

21 Q I may be able to help you.

22 A I hope you can.

23 MR. LEON: Is there a number on those notes?

24 MS. NAUGHTON: No.

25 MR. BOLTON: I think it would be appropriate

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1 to mark as an exhibit.

2 MS. NAUGHTON: We will when we get to it. We will
3 go chronologically.

4 MR. BOLTON: You just passed it.

5 MS. NAUGHTON: No, we haven't.

6 MR. BOLTON: I want to be sure there is no
7 ambiguity as to which piece of paper Mr. Cooper is looking
8 at. If you are going to mark it event^ually, why not mark
9 it now?

10 MS. NAUGHTON: We will ^{go} chronologically.

11 Now, as to --

12 MR. BOLTON: Excuse me, then.

13 MR. LEON: Can we identify for the record what
14 it says?

15 MR. BOLTON: I think that is a good idea. The
16 top line says "from Paul Thompson" and the last notation
17 reads, "The arms transferred were not among the arms
18 suspended per ex ord (plus which had been previously
19 approved by Cong)." And the sign for "therefore," a
20 triangle of dots, "could have been sent by Pres. if ex
21 ord revoked (even implicitly)."

22 This is all in your handwriting?

23 THE WITNESS: Yes, it is my handwriting. It is
24 all mine.

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1 BY MS. NAUGHTON:

2 Q Getting back to November 13, you received the

3 memo from Mr. McGinnis. Did you take it --

4 MR. BOLTON: I think he said he received a draft

5 of a memo from Mr. McGinnis.

6 BY MS. NAUGHTON:

7 Q Did you receive a copy of a memo from Mr.

8 McGinnis?

9 A On November 13?

10 Q Yes.

11 A I did receive a draft of a memorandum as I had

12 requested from Mr. McGinnis, yes, November 13.

13 Q And did you show that to the Attorney General?

14 A I did. It was delivered to him the following

15 day.

16 Q That would be November 14?

17 A Yes.

18 Q Did you take it personally?

19 A No, I don't think so. I don't recall having

20 delivered it to him personally. I don't recall having

21 done so.

22 Q How do you know then it was delivered to him

23 on the 14th?

24 A It was -- I left instructions that it should be

25 provided to the Attorney General in the normal course of

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1 your -- I don't give all our legal opinions that we do for
2 the Attorney General to him personally. We have a regular
3 delivery routine and I don't even know what it is. It just,
4 here it is and it goes.

5 Q Okay. Between November 7 and November 14, then,
6 did you discuss any of the legal issues or what you and
7 Mr. McGinnis had begun to find out with the Attorney
8 General?

9 A It is entirely possible. It is entirely possible
10 and I might even say probable, but I don't have a specific
11 recollection of a meeting in which -- no, I take that back.
12 I take it back because I do recall on the question of
13 timely notification, providing to the Attorney General the
14 signing statement from Carter as well as an excerpt from
15 the legislative history between Javits and Huddleston,
16 which of course are parts -- reflected in the legal opinions
17 that we have done on this question.

18 I remember providing him with those particular
19 excerpts when he was having lunch in the AG's dining
20 room and this would have been prior to November 13 when we
21 finalized or finalized the legal memorandum to which we
22 have been making reference.

23 It seems entirely likely and probable that we
24 had other conversations of some kind or another that
25 related to legal issues. If we did, they were very brief

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1 and fleeting chats because I don't remember having sat
2 down and walked him through anything. So that is the best
3 state of my recollection.

4 Q Do you recall specifically discussing with him --
5 this is in this time frame now, before the 14th -- the
6 importance of a finding regarding the activity of the arms
7 sales?

8 A No. No. I don't recall having had that kind
9 of a conversation.

10 Q Of what you recall of your conversations --

11 A The time frame we are talking about now I take
12 it is November 13 and prior?

13 Q Yes, from November 7 until the end of the day,
14 the 13th.

15 A I don't recall having had any conversation
16 that focused particularly on the importance of a finding.

17 Q Do you recall what legal issues you did discuss
18 with him?

19 A Well, I just recalled the timely notification
20 issue but beyond that, I don't have a specific recollection
21 of having discussed another particularly legal issue,
22 though, as I say, it is probable that I did.

23 Q Of the documents that you gave him, you said the
24 legislative history and the Smith letter, what legal issues
25 were involved in those documents that you gave him?

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1 MR. BOLTON: I think we have something confused
2 here. I think what Mr. Cooper testified before was that
3 he gave an extract from the legislative history and a copy
4 of President Carter's signing statement. You are getting
5 back into the Smith letter. Do you mean to lump those
6 together?

7 MS. NAUGHTON: Let me rephrase the question.

8 BY MS. NAUGHTON:

9 Q When you gave him the documents over the lunch
10 period on whatever day you did that, do you recall what
11 legal issues were involved in those documents?

12 A Well, I recall them as having had relevance to
13 only one legal issue or at least our having focused on
14 them for their relevance to one legal issue, and that was
15 the question whether the President has the authority to
16 not provide prior notice of a significant anticipated
17 intelligence activity under the National Security Act,
18 and it was certainly the Attorney General's view, as is
19 reflected by the fact, if nothing else, that he passed on
20 approvingly the finding itself which says "don't provide
21 prior notice," it was certainly his view that prior notice
22 was not statutorily required and the statute itself says
23 what it says but in addition to that, I think the legisla-
24 tive history, the Huddleston-Javits debate and the Carter
25 signing statement were relevant to it. I know he didn't

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1 have them so I had provided them to him.

2 I am also now recalling that at some point, and
3 I think it may well be that it was prior to the November 13
4 legal opinion, I provided him with a slender notebook like
5 this, only more slender, three-ring binder, that had certain
6 relevant statutes, statutes that we had been able to
7 identify at that point as bearing on arms sales. I feel
8 certain that it had Hughes-Ryan in it, National Security
9 Act, Arms Export Control Act, at a minimum those. Perhaps
10 the Export Administration Act. In other words, a notebook
11 much like this which contained certain statutes in it.

12 It might well be -- now I think it was I provided
13 that to him prior to November 13.

14 Q That notebook would have included simply copies
15 of the statutes and no legal analysis?

16 A Right. Copies of the statutes with an index.
17 They were tabbed.

18 Q Did you discuss with him prior to November 14
19 your research indicating that the President could waive
20 the Arms Export Control Act?

21 A It seems likely that we discussed the Smith
22 opinion, but I'll be darned if I can remember a specific
23 instance. It would have had to have occurred, I should
24 think, I should think it would have had to occur between
25 November 12 if that is when I met with Paul Thompson, and

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1 the 14th because the William French -- I don't think I had
2 any knowledge of the Smith opinion until its existence was
3 disclosed in the memo covering the finding. I don't think
4 that the AG and I had conversation about its existence
5 or his reliance on it or anything like that. But when I
6 did see it in there, I dug it out and -- but I don't recall
7 whether I then had conversations with the AG about it
8 particularly but it is entirely possible that I did.

9 Q What was your understanding during that period
10 of time about the, that the President could waive the Arms
11 Export Control Act? What sort of waiver was contemplated?

12 MR. BOLTON: Contemplated by whom, and -- are
13 you asking --

14 MS. NAUGHTON: I have not finished my question,
15 counsel. If you let me finish the question.

16 MR. BOLTON: Fine. Please finish your question.

17 MS. NAUGHTON: I will start again.

18 BY MS. NAUGHTON:

19 Q During that period of time, what was your under-
20 standing the Presidential waiver constituted? In other
21 words, was this an express waiver that you were contem-
22 plating had to occur to waive the Arms Export Control Act
23 or was this an implied waiver, or did you have any of that
24 in mind when you discussed it with the Attorney General?

25 MR. BOLTON: I will raise the same question: Are

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1 you referring generally to authority under the statute or
2 are you asking about a specific instance?

3 MS. NAUGHTON: I am asking about his state of
4 mind at the time he discussed this with the Attorney
5 General.

6 MR. BOLTON: I will repeat my question.
7 Generally under the statute or as to any specific instance?

8 MS. NAUGHTON: I don't understand your objection.

9 MR. BOLTON: Are you asking something in connection
10 with the January, '86, finding or are you asking his
11 interpretation of the statute generally?

12 MS. NAUGHTON: Both.

13 MR. BOLTON: If you can understand that, you are
14 more than welcome to try and answer it.

15 THE WITNESS: Well, actually I think the premise
16 of the question to the extent it relies upon a waiver
17 theory is not something that I would accept.

18 I don't think I have ever analyzed this in the
19 context of the President or anyone else waiving the
20 applicability of the Arms Export Control Act. Rather, my
21 conception, and I think the conception that is displayed
22 in the analysis in our opinions, is that there are two
23 alternative statutes, at least two, and there may be
24 others, but at a minimum there are two statutes under which
25 this country may transfer arms to other countries and other

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41

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1 persons. One is the Arms Export Control Act, and when that
2 is used, its restrictions must be complied with. One is
3 the National Security Act, and when that is used, its
4 restrictions must be complied with but it is not a question
5 of waiving this one; it is just a question of this one
6 being applicable and this one not.

7 The National Security Act is applicable and
8 governs arms transfers that are made in conjunction with
9 intelligence activities. Arms Export Control Act governs
10 probably everything else but it doesn't govern those kinds
11 of arms transfers.

12 So it is not really a question of waiver; it is
13 just a question of which one is applicable. I think that
14 was the analysis in '81 and that is certainly our analysis
15 now.

16 BY MS. NAUGHTON:

17 Q So your understanding during this time period was
18 that if the President opted to sell the arms for intelligence
19 purposes, that the Arms Export Control Act would not apply?

20 A Yes. If he made the decision that in connection
21 with this intelligence activity, this covert operation
22 which is in the national interest or whatever, we are going
23 to transfer some arms to some country or group that we
24 support and want to help, then Arms Export Control doesn't
25 apply, National Security Act applies. It contains some

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42

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1 requirements that are then invoked, but the Arms Export
2 Control Act requirements are not applicable under those
3 circumstances.

4 Q And those requirements under the National Security
5 Act is the finding is made and congressional notification
6 is made of the covert activity at some point.

7 A The finding would only be necessary if the
8 CIA was going to be involved. The finding requirement only
9 applies to the CIA by virtue of Hughes-Ryan but the reporting
10 requirements apply no matter who is involved. So even if
11 the CIA is not involved and therefore no finding is necessary,
12 the reporting requirements under the Natinal Security Act are
13 applicable.

14 Q Now, after the Attorney General was provided the
15 memo drafted by Mr. McGinnis on or about November 14, did
16 you discuss its contents with him?

17 MR. BOLTON: Excuse me.

18 THE WITNESS: There seems to be an implicit
19 assumption in that question and some of your others that
20 McGinnis was virtually the sole author of this memo and
21 to the extent that is the case, I want to negative that.

22 John did provide a draft to me and it was a
23 very thorough draft and one that I did not find much to,
24 if anything, to quarrel with, but I did review it
25 thoroughly and found it entirely sound and ultimately

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1 signed it and accepted responsibility for it.

2 So I just want to make no mistake about that and
3 I apologize, I have forgotten your question.

4 BY MS. NAUGHTON:

5 Q I didn't mean to convey that. I am only referring
6 to it as the McGinnis memo by virtue of referring it to
7 somebody. You can call it Exhibit 2 if you like.

8 A Let's call it the November 13 opinion?

9 Q It doesn't have a date on it, is the problem.

10 A That is true. That is right, it doesn't, although
11 one can date it by internal reference.

12 Q Okay.

13 A There are internal references that date it, but
14 you are right.

15 MR. LEON: It refers to the President's speech
16 that day.

17 THE WITNESS: That is right, and we were
18 literally working on it as the President was speaking and
19 finalized it after he concluded.

20 MR. BOLTON: To the extent it can be referred to
21 as anybody's memorandum, it's Mr. Cooper's. He signed as
22 Assistant Attorney General in charge of the legal office
23 of the Department of Justice, as is customary.

24 MS. NAUGHTON: Counsel, are you testifying?

25 MR. BOLTON: No, I am clarifying the record.

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1 MS. NAUGHTON: I thought Mr. Cooper did that
2 fine.

3 MR. BOLTON: I am sure he did.

4 BY MS. NAUGHTON:

5 Q As to Exhibit 2, did you discuss that with the
6 Attorney General?

7 A I don't recall having a specific conversation
8 with the Attorney General about that memorandum, but we
9 did discuss at various times the various legal issues and
10 analyses that are embraced by that memorandum. But I don't
11 remember having sat down and discussed, you know, gone over
12 the memorandum. We certainly didn't do it prior to the
13 time I gave it to him.

14 Q So he didn't call you in, in other words, for a
15 meeting to specifically discuss the memo?

16 A I don't recall any such meeting, no.

17 Q Moving on, then, to when you received the draft
18 chronology from the White House on or about November 17,
19 1986.

20 A Yes. That is our best reckoning for when we got
21 it and we do have and did receive from the NSC a chronology
22 dated the 17th. I think that is our principal reason for
23 concluding that we got it on the 17th.

24 Q As you may have heard from testimony in the
25 public session of the hearings, there have been several

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1 chronologies prepared by the National Security Council.
2 I would like to go through some of them with you and ask
3 you which ones you had seen and which ones you had not
4 seen.

5 If the reporter could please mark this as
6 CJC No. 3.

7 (Exhibit No. CJC-3 was
8 marked for identification.)

9 MR. BOLTON: While Mr. Cooper is reviewing the
10 documents, let me note in the document, the first page
11 bears document production 330081, and it contains several
12 redactions on its various pages and has several handwritten
13 notations and markings on some of the pages.

14 BY MS. NAUGHTON:

15 Q Mr. Cooper, I direct your attention to the
16 second page, although they are not numbered. Referring to
17 the second full paragraph of the page, reads, "In November,
18 1985, as the next step in the operation, the NSC arranged
19 for Israel to send 18 [REDACTED] Hawk missiles to Iran."

20 Then it goes on to explain how the missiles were
21 rejected by the Iranians.

22 Do you recall ever seeing this document before?

23 A I have never seen this document before until
24 this moment.

25 Q All right. Fine. Thank you.

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46

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1 MS. NAUGHTON: I would ask the reporter to mark
2 this next document as CJC No. 4.

3 (Exhibit No. CJC-4 was
4 marked for identification.)

5 MR. BOLTON: While Mr. Cooper is reviewing
6 this document, let me note that the front page bears
7 document production No. N-8349 and it is numbered consecu-
8 tively throughout ending with N-8354.

9 This document also contains redactions, some
10 handwritten notations and some marks, not all of which
11 are legible.

12 THE WITNESS: I don't believe that I have ever
13 seen this document.

14 BY MS. NAUGHTON:

15 Q And that is the chronology dated November 13,
16 1986, is that correct?

17 A That is what it purports to be. It does contain
18 similarities to other documents that I've seen which are
19 subsequently dated chronologies from the NSC, but I do not
20 believe I have ever seen this document before this moment.

21 Q Calling your attention, Mr. Cooper, to the
22 third page of that document, the second paragraph starting
23 with "throughout the remainder of 1985, the U.S. Government
24 maintained contact with the Iranian expatriate. A number
25 of meetings were conducted" -- and so on. It skips then to

UNCLASSIFIED

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47

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1 "In December, 1985, the National Security Adviser met with
2 the Israeli official and the Iranian contact to make clear
3 the nature of our interest in the dialogue with Iran."
4 It goes on from there.

5 Do you see that portion?

6 A Yes.

7 Q Do you see anything on that page -- after all,
8 this is a chronology -- that mentions the shipment of 18
9 Hawk missiles to Iran in or about November, 1985?

10 MR. BOLTON: I'm going to object to that question.
11 The page obviously speaks for itself.

12 If you want Mr. Cooper to go through and read
13 it and answer when what is obvious to anybody who can read
14 it as well, that is fine.

15 MS. NAUGHTON: Fine.

16 MR. BOLTON: I am just objecting to the question
17 as to form in case there is a subsequent proceeding where
18 that might be pertinent, Ms. Naughton.

19 BY MS. NAUGHTON:

20 Q Can you answer the question?

21 A I certainly do not see a reference on this page
22 to November transfers of arms of any kind, including Hawks.

23 Q Okay. Thank you.

24 If I could get the reporter to mark this next
25 document as No. CJC 5, reference, N-8337.

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(Exhibit No. CJC-5 was
marked for identification.)

BY MS. NAUGHTON:

Q Do you recall receiving a copy of this
chronology, Mr. Cooper, while you were at the White House?

A Well, I recall receiving and know that we
received -- because it is in our documents and we have
produced them to you -- a chronology from the NSC that is
dated 11/17/86. I don't recall whether it is 2000 hours
maximum version or whether or not this is it. There are
large black excisions in the document and I did not receive
any document that had such markings as this, and I really
don't recall having received a document that had what
looked to be as many interlineations and certainly didn't
receive one that had "Top Secret" crossed out, and unclassified.

Q For the record, Mr. Cooper, this document is what
we can use in public session. It has been unclassified
by the White House and that is why you see the markings
out and deletions.

A I see.

Q With that under -- because that will be the
ones we will use in your public testimony. If you could
please look at portions that are not redacted and see
whether or not that is the copy of the chronology which

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1 you received.

2 MR. BOLTON: For purposes of clarity here, the
3 document noted on the first page, N-8337 and is consecu-
4 tively numbered ending on N-8348.

5 THE WITNESS: I don't resist in the least that
6 this document was provided, but as I look at it, my
7 recollection of the November 17 document, and I did not
8 study it closely, I frankly don't think I ever read it all
9 the way through, but I don't recall having received a
10 document that was quite as rough as this one is, but you
11 people will be able to tell me whether I did because we
12 produced to you the document that we received and I am
13 happy to compare it to the one that we have. But if this
14 is it, then fine, this is it. I just don't know.

15 BY MS. NAUGHTON:

16 Q Okay. Do you recall being interviewed earlier
17 by Mr. Nields and myself and Mr. Leon and others?

18 A Oh, yes.

19 Q During that interview, do you recall having
20 your direction specifically brought to page 4 of this
21 document, the N-8340 document, production number -- excuse
22 me, page 5, and the second paragraph that starts, "In
23 late November, 1985, the Israelis, responding to urgent
24 entreaties from the Iranians, provided 18 basic Hawk
25 missiles to Iran in order to improve their static defenses

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1 around Tehran. The Israeli delivery of Hawk missiles
2 raised U.S. concerns that we could well be creating
3 misunderstandings in Tehran and thereby jeopardizing our
4 objective of arranging a direct meeting with high-level
5 Iranian officials. These missiles were subsequently
6 returned to Israel in February, 1986, with U.S. assistance."

7 Do you recall reading that particular paragraph
8 on or about November 17, '86, when you were doing your
9 research?

10 A I do recall having read that paragraph or
11 perhaps the paragraph like that, or the corresponding
12 paragraph in the November 20 chronology that we also
13 received from NSC. I can't tell you that I recall having
14 read this specific paragraph, but these words and sentences
15 and information to that effect, I definitely did read,
16 yes.

17 Q Do you recall then that on November 17 or
18 thereabouts when you received the first chronology is the
19 first you learned about a November, '85, shipment of Hawk
20 missiles?

21 A Yes, absolutely.

22 Q And would it have been from the chronology?

23 A Oh, yes.

24 Q No one told you about it?

25 A John McGinnis told me about it, but it was from

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51

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1 the chronology that he learned it. He examined the chrono-
2 logy and advised me straight away that the September and
3 November events were -- which were news to us -- were
4 portrayed in the chronology.

5 At that point, I was preparing for what was then
6 my first presentation to the President on the question of
7 Federalism and I had other things on my mind, but John was,
8 John did review this as soon as it came in.

9 Q If I could turn your attention to page 4, then,
10 since you discussed the September shipment, the second
11 paragraph on page 4 reads as follows: "In September of
12 1985, the Israelis advised that they were close to achieving
13 a breakthrough in their contact with Iran and would proceed
14 unless we objected. It is important to note that U.S. had
15 long been aware of Israeli efforts to maintain discrete
16 contact with Iran and to provide our grant with assistance
17 in its war with Iraq."

18 The next paragraph goes on to explain, "On
19 August 22, 1985, the U.S., through the U.S. citizen
20 intermediary, acquiesced in an Israeli delivery of military
21 supplies (508 TOWs) to Tehran. We were subsequently
22 informed that the delivery had taken place at the end of
23 August, although we were not aware of the shipment at the
24 time it was made."

25 Do you recall reading that section in the

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1 chronology which you saw on November 17?

2 A I do not recall that specifically. As a matter
3 of fact, my recollection of the September, what I call and
4 have always called, the September transfer of 508 TOWs was
5 that the U.S. learned of that in September, but that it had
6 occurred in, allegedly in August. I don't have a specific
7 recollection of having read this.

8 Q In the third paragraph it states, "We were
9 subsequently informed that the delivery had taken place
10 at the end of August, although we were not aware of the
11 shipment at the time it was made."

12 Is that consistent with your recollection of
13 what you understood the September transaction to be
14 about?

15 A Yes, that is much more consistent, though that
16 is not precise. I do have a pretty vivid recollection
17 that the time of us, of the U.S. being informed or
18 learning of the September shipment -- of what I call the
19 September shipment, was in September and not in August,
20 and so of course it wasn't too long into this that we
21 discovered the September shipment was in fact a September
22 shipment, unless of course you all have better information
23 than that.

24 But this better represents the state of my
25 knowledge now and to my recollection at all times.

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1 Q When Mr. McGinnis brought this information from
2 the chronology to your attention, what did you discuss
3 regarding legal issues that these shipments presented?

4 A Well, that was our concern obviously, that these
5 transfers, if they in fact took place, took place before
6 a finding.

7 Now, our concern wasn't -- our concerns were
8 twofold. There was no finding so to the extent the CIA
9 played any role in either of these or at least to the
10 extent that appropriated funds were used by the CIA, then
11 we had a legal problem; or at least on the face of it, a
12 legal issue was raised, and we knew -- and I suspect we
13 knew from this document, this was the only document we
14 had dealing with it -- no, at that time I guess we had
15 no idea that the CIA had been in any way involved in the
16 November shipment and our concerns did not focus on the
17 November shipment at that point, but rather, the September
18 shipment because the November shipment, according to this
19 portrayal, had been canceled out. The impression that was
20 created was that the United States Government was upset
21 by the transfer of these Hawks and that through means
22 that we either brought about or encouraged and assisted
23 the arms that were transferred were returned so we concluded
24 that if there was some kind of a violation, Arms Export
25 Control Act violation, it was not a problem that anyone is

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1 going to focus on because the arms were returned.

2 We did focus, however, on the September shipment
3 of 508 TOWs for which there was no suggestion that the
4 arms had been returned and on Arms Export Control Act
5 problems because there was no information suggesting that
6 that transfer from Israel to Iran had been a part of any
7 kind of covert operation or intelligence activity that
8 would bring it within the National Security Act, so we
9 realized that under the Arms Export Control Act, Israel
10 had apparently violated the restraints that that Act places
11 upon retransfers of U.S. military munitions.

12 Q All right.

13 A And we also were acquainted with the fact and
14 the most serious concern to us was the fact that the Arms
15 Export Control Act places certain restrictions and
16 reporting requirements upon the President. So that was
17 the focus of our concern, of course, was whether or not
18 this event could be used to criticize the President or
19 suggest that something illegal had happened that the
20 President was responsible for.

21 Q Now, did you discuss at this time the issue of
22 replenishment, in other words, whether the United States
23 government had promised replenishment to Israel if it sold
24 the TOWs?

25 A I don't remember if we discussed it. It wasn't

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1 long that we discussed that but I don't recall having
2 discussed it particularly on the 17th, but that analysis
3 emerged not long after we began examining these pre-finding
4 events.

5 Q Were there any other legal issues that caused
6 you concern? You have expressed the two. Were there any
7 others at that point that you wanted to focus on?

8 A I don't recall any. We looked at the Foreign
9 Assistance Act, which also is related to arms purchases
10 by foreign countries. We wondered whether these TOWS
11 were or had come to the Israelis through Arms Export
12 Control Act sales and therefore were encumbered by Arms
13 Export Control Act restraints, but certainly those --
14 I can't recall any other concerns, but if they were, they
15 were secondary to the ones that I have outlined.

16 Q After you received the chronology and were
17 aware of 1985 shipments, did you tell the Attorney General
18 about them?

19 A Yes, I did, not long thereafter. I can't tell
20 you the exact date. But, yes, I did advise him that we had
21 new information that raised legal issues.

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BY MS. NAUGHTON:

Q Did you explain to them your two concerns?

A I am sure that I did whenever ^{that} ~~that~~ conversation took place.

Q What did the Attorney General say?

A I don't recall any reaction, any particular -- in fact, I don't recall the conversation, though I know it happened. I don't have any specific recollection of our conversation when I advised him of the new information. I do, however, have a general recollection of advising him of that fact and have a general recollection of his being surprised.

Q That there were 1985 shipments?

A Yes.

Q Do you recall how you received that impression?

MR. BOLTON: You mean advise ~~verbally~~ ^{usually} verbally?THE WITNESS: That is my -- he didn't say I am surprised or something like that. At least I don't recall him having articulated it. I just formed that impression from his reaction. It was clear that he had ~~not~~ ^{not} known about that fact. I mean, like me -- this was his first evidence of any such pre-finding events involving arms having taken place.

BY MS. NAUGHTON:

Q Did he give you any instructions after that in terms of more fact gathering or more legal analysis?

A No, I don't recall him having given me any

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1 instructions. I feel confident that I advised him that I
2 was examining the legal issues that are raised by these --
3 by this new information and that, you know, as soon as I had
4 some preliminary conditions to share with him, I would. I
5 mean, that is my -- that would be my normal operation and I
6 don't recall there having been any deviation from that.

7 Q After learning of the 1985 shipments from the
8 chronologies, did you contact Admiral Poindexter or Commander
9 Thompson or Oliver North or anyone you thought might have some
10 answers for you?

11 A Well, I am certain I did not contact Poindexter or
12 North. It is entirely possible I talked to Thompson, but I
13 don't recall having done so. I do not recall having done so.

14 Q On November 18th do you recall there being a meeting
15 at the White House in Mr. Wallison's office?

16 A I don't have any recollection of that or at least
17 of that date. I recall a meeting in Wallison's office and
18 I referred to a meeting in that office earlier today, but I
19 don't have a specific recollection of the date on which the
20 meeting that I recall took place.

21 MS. NAUGHTON: Please mark this document CJC-6.

22 (Exhibit No. CJC-6 was marked for identification.)

23 BY MS. NAUGHTON:

24 Q If you could describe for the record what that
25 document is, please?

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A This document, which has been marked CJC-6, are

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58

handwritten notes that I recognize as my own. The notes were taken at a meeting that I attended in Peter Wallison's office and at which Paul Thompson, Dave ^{Doherty} ~~Dougherty~~, at least, also attended.

My recollection is that Sofaer or a representative of his office probably attended, and Larry Garrett or a representative of his office probably also attended.

Q For the record, Judge Sofaer is head of the Legal Advisers ^{EU} Office at the Department of State?

A Yes.

Q And Larry Garrett is general counsel --

Q General counsel at DOD. But I cannot say with certainty that either Sofaer or Garrett attended, but it is my best recollection that they did.

MR. LEON: What was ^{Doherty's} ~~Dougherty's~~ position at that time?

A He was general counsel at CIA and I think this was the first time I had ever met ^{Doherty} ~~Dougherty~~, but that may not be accurate. The people who were assembled in that room are, except for ^{Doherty} ~~Dougherty~~, are the advisers ² who form what we call the War Powers Group. Whenever there is an incident in the ¹ ~~off~~ing that involved use of American forces and therefore raises a question regarding applicability of the War Powers Resolution, the White House counsel will convene a meeting in ^{the} ~~his~~ office of White House ^{counsel} ~~office~~, OLC Assistant AG, DOD general counsel, and Department of State legal adviser, some-

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59

1 times the NSC general counsel is there, and Paul Thompson was
2 often at these as well.

3 But it is by reference to that group that I ^{do} call
4 the players at this meeting, because it was a group that was
5 the same group, at least that is my recollection, with the
6 addition of Dave ^{Doherty} Dougherty.

7 BY MS. NAUGHTON:

8 Q What was the purpose of this meeting?

9 A Well -- the purpose of it, which appears generally
10 from my notes and occurs generally in my recollection -- was
11 to discuss generally the Iranian controversy ^{that} was
12 swirling about the Administration at the time, and to figure
13 out what was going on.

14 Q Did Mr. Wallison call the meeting?

15 A It seems entirely likely to me that he did. It was
16 in his office and that was my understanding was that he was
17 calling it.

18 Q What was your impression of how much Mr. Wallison
19 knew about the Iranian arms sale?

20 A I don't recall having formed a particular
21 impression of that fact at the time. I think everybody's
22 impression was that they didn't know very much about the arms
23 sale. Paul Thompson provided some, and probably the only
24 factual data that was discussed -- well, not the only, because
25 I note here that Dave ^{Doherty} Dougherty noted that Weinberger had

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1 looked at the legal issue back in January. But nobody really
2 had a good factual understanding of what had taken place,
3 and Wallison was no different.

4 Q What was the purpose of the meeting then?

5 MR. BOLTON: He has already answered that before,
6 his answer was to discuss the Iran controversy, so I am going
7 to object on the grounds of repetition. He can answer if he
8 wishes.

9 THE WITNESS: I really can't supplement my note
10 from my memory in terms of what was said at the meeting --

11 BY MS. NAUGHTON:

12 Q Why don't you go through your notes then and tell
13 me what was said?

14 A Thompson said that in September of 1985 arms were
15 sent by Israel to Iran and were replenished after the finding.
16 I don't know -- oh, okay -- after the finding in January.
17 He noted that at most there were 2,000 Tows that had been
18 shipped to Iran from whatever sources, and that there were
19 apparently three shipments of those Tows.

20 (Counsel is conferring with witness)

21 THE WITNESS: A point was made that some of the
22 Tow transfers were made after -- or at least some of the Tows
23 were transferred after August 27, 1986, and my note indicates
24 that when the Arms Export Control Act was amended to -- and
25 I know what that means, but my note does not reflect that, but

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61

it was amended at that time to prohibit arms transfers to countries that the Secretary of State had declared to be terrorist nations and I don't say whether this is a point made by Paul Thompson or by somebody else in the room.

The next line of my note says 500 replenished Tows to Israel. I don't know particularly what that means other than I guess another reference to the fact that some Tows that had been transferred by Israel to Iran were replenished by the U.S.

Then I have got a note that says DOD to CIA -- an arrow between them -- and another arrow after CIA to proprietary, parens, non-CIA, to Israel to Iran. So this is -- this appears to be the path of the arms that they took from the U.S. to Iran. And I am quite confident that is what it is. I don't say with equal confidence that Thompson related this, but I think that he did.

So that the arms came out of the Department of Defense, they were then transferred to the CIA on an Economy Act basis. I have got a note here that suggests that to me and I subsequently learned that was the case.

And then CIA transferred them to a proprietary non-CIA. I don't know what that means. The proprietary that I subsequently, I think, became acquainted with was an airline operated by CIA, but I don't know what was intended by that note.

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62

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1 And then they were transferred to Israel and then
2 to Iran, according to this note.

3 BY MS. NAUGHTON:

4 Q Was it your understanding that that path of arms
5 sales was for post-finding sales or for all the sales or was
6 that distinguished?

7 A I don't recall whether it was distinguished
8 specifically but I would say it probably distinguished.
9 Certainly that is my understanding for the post-finding arms
10 relationship ~~that~~ that was established with Iran. Not the pre-
11 finding relationship.

12 Then I have a note beneath that which says Paul
13 says total value less than -- and that is the end of the note
14 -- so I don't know what he said to finish that out. I just
15 don't have any recollection at all.

16 Then there is a line across the page and beneath
17 that, I have Dave, CIAGC, which identified to me that this
18 fellow with whom I think I was being acquainted for the first
19 time, was named Dave and he was CIAGC. I don't think I had
20 had any dealings with him prior to this.

21 He related apparently, from this note, that in
22 January Weinberger had looked at the legal issue and was
23 satisfied. Then underneath that, so did Meese presumably.

24 My recollection, such as it is -- very general and
25 sketchy -- but is that the legal issue that this references

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1 is the question whether arms could be transferred under the
2 National Security Act and thereby rendering inapplicable to the
3 Arms Export Control Act.

4 Then the note says re September, which to me meant
5 September, the September shipment of Tows. Note the language
6 in Arms Export Control Act, and use of term "would" ^W Would
7 President approve sale by ~~X~~ good government, Israel, to a
8 prohibited country, Iran?

9 My best recollection is that this point was made by
10 Sofaer. That is another reason why I think that Sofaer was
11 at the meeting, and not by Dave. But I could certainly be
12 corrected on that. I then have a line that says --

13 Q Could you interpret that for us -- when you
14 heard that exactly what point was he making?

15 A I did not entirely understand it at the time.. I
16 remember that I was not immediately acquainted with the phrase
17 that he was referring to in the Arms Export Control Act, the
18 "would" phrase. Since then I now know what it was he was
19 referring to, but at the time, I did not understand that point.

20 Q What is your understanding now?

21 A I think he was suggesting that the standard for
22 whether the Arms Export Control Act, its restriction regarding
23 -- well, I just don't recall what the word "would" ^W what
24 provision of the Arms Export Control Act is in. But it sets
25 up a standard and I don't recall whether it is for consenting

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64

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1 to the transfer, but I think that is what it is. And he
2 suggested that the standard is would the President have
3 approved this himself if he subsequently finds out about it?
4 I think that is the point he was making.

5 I can examine the pertinent reference of the Arms
6 Export Control Act if you would like me^{to} to see if that
7 assists my memory. You want me to do that?

8 Q No, that is fine.

9 A The next line is, is there any significance to
10 fact, and that is the end of it. I don't have a clue as to
11 what is being discussed that relates to that truncated note.

12 The next line is the arms transferred were not among
13 the arms that were suspended per executive order and which
14 had been previously approved by Congress, which is in paren-
15 theticals, and therefore could have been sent by President if
16 executive revoked even implicitly.

17 I don't remember who made this point but the point
18 was simply that prior to the time that an embargo was
19 established regarding Iran, they had bought a large stock, as
20 I understand it, of arms, arms of various and sophisticated
21 kinds. We embargoed those arms by executive order, so the
22 point, as I understand it, was that if the arms that had been
23 transferred to Iran had been the ones that they had previously
24 purchased and paid for, there would be no Arms Export Control
25 Act, no National Security Act, no problems of any kind -- at

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1 least that is the proposition.

2 I have never examined it -- I don't know whether
3 that is accurate or not, but this was a point of information
4 and I suspect -- I just don't know where it came from, but it
5 more or less foreclosed that legal analysis if that was
6 factually correct.

7 And since we have completed this document, I take
8 it, could I get a three-minute recess?

9 MS. NAUGHTON: Sure.

10 (A short recess was taken)

11 MS. NAUGHTON: Back on the record.

12 BY MS. NAUGHTON:

13 Q Just a few more questions about that November 18th
14 meeting at the White House.

15 A Incidentally, I am prepared to accept your
16 information that that happened on the 18th, but you are
17 telling me, so hasn't really inspired my memory on that and
18 I can't confirm that of my own recollection.

19 Q Fine. We will just refer to it as the meeting in
20 Wallison's office.

21 A Okay.

22 Q Was there any attempt by those present to get more
23 information out of Mr. Thompson, other than what he had or that
24 he was willing to provide?

25 A I seem to -- yes, I seem to recall some irritation

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1 exhibited, particularly by ^{Sofaer}~~Sofaer~~ and Garrett -- if again
 2 I am correct and they were at the meeting. And my recollection
 3 though it is vague, is along the lines that the irritation was
 4 because of the lack of information on what had happened that
 5 was forthcoming from NSC to the other interested agencies.

6 Q What was Commander Thompson's response to you?

7 A Well, his response to me on numerous occasions was
 8 that they are doing the best they can and working very hard
 9 to reconstruct the matter from the people who were involved,
 10 and from any documents that are relevant ^{to}~~to~~ it, and I -- while
 11 I don't have specific recollection, I suspect that is what he
 12 offered to this group.

13 Q Do you recall that -- did he ever say that Admiral
 14 Poindexter had told him not to impart certain facts to this
 15 ^{group}~~group~~ or to keep it closely held, something along those lines?

16 A I don't recall that.

17 Q Do you recall how the meeting ended? In other
 18 words, what was to be done or what were the participants going
 19 to do?

20 A No, I don't recall there having been any agreed
 21 action steps that would then take place. I mean, they were
 22 acquainted with the fact that -- and I didn't make any secret
 23 of the fact, I am sure -- that I and my office, my office was
 24 examining the legal issues that we were able to identify --
 25 so I suspect that there was universal understanding that that
 project was going forward, but I don't remember there having

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1 been any taskings or any agreed upon next steps for that
2 group.

3 Q Do you know whether or not any of the participants
4 at that meeting had a copy of the chronology?

5 A I do not think that they did, but I don't recall
6 that specifically. I just -- my general recollection is that
7 it does not associate chronology with that meeting and I
8 think that if they did have a chronology the chronology would
9 be on the table in front of everybody, and I do not recall
10 that as having been the case.

11 Q Do you know whether or not Commander Thompson
12 promised to get them a chronology?

13 A I can't say that he did. I just don't recall.

14 Q Did he promise to keep them informed of the facts?

15 A I would suspect -- I mean to the extent -- well,
16 actually I just don't have a recollection of what representa-
17 tions Paul Thompson made to this group or what responses he
18 made to the protests that I vaguely recall having been made.
19 I suspect, however, that in light of the context he suggested
20 they were doing the best they could, and they would, of course,
21 be provided with information at such time as it was developed.
22 I suspect that, I don't recall it.

23 Q Do you happen to recall what time of day this
24 meeting was?

25 A No, I can't tell you whether it was morning

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1 or afternoon, to tell you the truth.

2 Q Then we go to the 19th of November, 1986, the day
3 of the Presidential press conference. Do you recall watching
4 the press conference?

5 A Yes, I do.

6 Q Did anything in it strike you as remarkable?

7 MR. BOLTON: I will object to that question. I
8 don't know what the word "remarkable" means. If you want to
9 ask him his impressions, I think that is a legitimate question
10 but asking with words like remarkable doesn't seem to be
11 answerable.

12 MS. NAUGHTON: Your objection is noted.

13 BY MS. NAUGHTON:

14 Q Answer the question, please.

15 A I do recall the press conference. I recall having
16 noted particularly a statement that the President made to the
17 effect that there were no third countries involved in our
18 efforts. I can't tell you what his formulation was, or what
19 question it was in response to, but he did make that statement
20 it seems to me, generally towards the end of the latter half
21 of the news conference.

22 And all the information that I had thus far
23 developed from the finding and the memo regarding the finding
24 to the chronology of everything else, was that in fact Israel
25 had been involved very, very prominently in this with us,

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1 so that is one thing that yes, does come immediately to mind
2 -- in response to your question.

3 Q After hearing that did you do anything?

4 A Yes, I did. ^{the} Laterally, as soon as the press
5 conference concluded, I called Paul Thompson at the White
6 House and it was really an unnecessary call because he knew
7 why I was calling and the point I was going to make, and by
8 the time I chatted with Thompson, apparently a decision had
9 already been made to correct the erroneous statement that the
10 President had made regarding no third countries.

11 Q Did you discuss any other issues with Mr. Thompson?

12 A I don't recall having done so. I had a precise
13 purpose for calling and we did not chat. As soon as we
14 established that they were addressing the problem then and
15 there, that was the end of the conversation insofar as I
16 recall.

17 Q Do you recall anything else on November 19th that
18 you did regarding the Iran arms sales?

19 A I am sure that there were other things, because on
20 each day I was conferring with John McGinnis and reading
21 statutes and -- you know -- just doing things that were --
22 that had some relationship to this matter. But I don't recall
23 specifically having done anything. Nothing comes particularly
24 to my mind.

25 Q Now then, turning your attention to November 20th,

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1 again, I want to go through some chronologies that are dated
 2 November 20th. Not that you necessarily received them, but
 3 I want to find out if you ever saw copies. The first one is
 4 dated November 20, 1986.

5 MS. NAUGHTON: If I could have -- it has previously
 6 been Exhibit 58 in the McFarlane Exhibit Book, but I would ask
 7 the reporter to mark it as CJC Exhibit 7.

8 (Exhibit CJC Exhibit 7 was marked for
 9 identification.)

10 BY MS. NAUGHTON:

11 Q I would like to turn your attention to page 6 of
 12 this chronology, which is the portion we are concerned with.
 13 The second full paragraph, which starts "In mid-November the
 14 Israelis, through a senior officer" -- and it goes on then
 15 regarding requested help for a shipment that is ultimately to
 16 go to Iran. In the middle of the paragraph it states "we were
 17 assured at the time that the Israelis were going to try oil
 18 drilling parts as an incentive since we had expressed so much
 19 displeasure on the earlier Tow shipment."

20 It goes on to relate the CIA's involvement in
 21 obtaining a proprietary and in helping with that flight.

22 Now, do you recall seeing this version of the
 23 chronology?

24 A I think this is the version of the chronology I
 25 received, yes.

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71

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1 Q In other words, do you recall the November '85
2 shipment being referred to as oil drilling equipment?

3 A Yes.

4 Q Do you recall when you received this chronology?

5 A I can't say any better than the 20th. I just don't
6 -- well, actually, this thing is dated the 20th at 2000 hours,
7 which would be I guess 10 o'clock at night, and it seems very
8 unlikely --

9 Q I am not sure that that reference is to the time.
10 You shouldn't assume that because we have other versions with
11 the same enumeration on it.

12 A Other versions that say November 20th?

13 Q Yes.

14 MR. LEON: Let's for the record, make it clear.

15 THE WITNESS: Then I can't make any statements that
16 are authoritative.

17 MR. LEON: For the record, let's make it clear that
18 this exhibit in the upper right corner on the front page,
19 after the date, has a reference to 2000 hours.

20 THE WITNESS: Yes, which Counsel Bolton has advised
21 me is 8 o'clock at night. I stand corrected.

22 BY MS. NAUGHTON:

23 Q Let me ask you this.

24 A Because you have advised me I cannot recall that we
25 received varying versions of a document with identical markings

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1 in the upper right hand corner, that is identical date, and
2 what I have always and did then, take to be a time -- I always
3 regard that as 2000 hours in the military lingo of the people
4 who prepared this thing.

5 But to the extent that there were chronologies that
6 bear those identical markings but ^{vary} vary in their text,
7 I really cannot represent to you whether or not this is the
8 one I received. I can find out with certainty, however, by
9 making the necessary comparisons. I am happy to do that.
10 But I guess I feel that this is rather treacherous in terms
11 of me identifying with certainty any of these documents,
12 because I did not presently recall that we received varying
13 documents with identical legends in the upper right hand
14 corner.

15 Q Have you retained copies of the chronologies you
16 received?

17 A Absolutely. And we have provided copies to the
18 committee of all the chronologies we have received. So if you
19 got this from me, then yes, I will associate myself with it.

20 MR. BOLTON: Could we clarify that for the record?
21 We have marked three or four versions as exhibits. If you
22 want to question on documents received that is legitimate.
23 But I don't think we ought to play tag. Ask him about the
24 one you think he has seen and put that in front of him and
25 let's stipulate that is the one. I don't think anybody could

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1 recall the specificity, every word in a document they read
2 eight months ago.

3 THE WITNESS: Let me add this. I do not recall
4 ever having seen a document, a chronology from the NSC that
5 had the marginalia that this one has. This may be marginalia
6 that has been added by the committee or something.

7 MS. NAUGHTON: For the record, we would not add
8 any such markings to an exhibit.

9 THE WITNESS: I note that we have established that
10 the black deletions are the committee's. But to the extent
11 that this marginalia was on the document --

12 MS. NAUGHTON: Can we go off the record?

13 THE WITNESS: I think it is important to be
14 precise here. Because I have never seen a document that has
15 that marginalia.

end
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(Discussion off the record.)

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12:15pm 1

MS. NAUGHTON: All right. Back on the record.

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THE WITNESS: During the off-the-record

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conversation, I established at least to my own satisfaction

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that the document that has been marked as CJC Exhibit 7 was

5

not among the chronologies that we received from the NSC,

6

although I have also agreed to revisit our files with respect

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to all chronologies we received and send copies anew to

8

Pam of all chronologies that we received.

9

I also have with me, and have had identified to

10

counsel one of the chronologies that is dated 11/20/86,

11

and it is marked 1300, historical chronology that I know

12

we received and which bears the marginal notations of

13

John McGinnis, my assistant in the Iran-contra matter, one of

14

them.

15

We have compared the two documents, CJC Exhibit 7 and

16

the chronology that I brought with me, and have identified

17

some discrepancies in the two, but they are largely similar

18

in their discussion at least of the November transfer of Hawks

19

MS. NAUGHTON: Fine.

20

MR. LEON: And you will produce --

21

THE WITNESS: We will produce after White House

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declassification copies of all chronologies that we have that

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are different, including chronologies that are the same

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versions out of the NSC, but bear different authorizations-

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marginal notations such as mine or John McGinnis'.

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1 MR. BOLTON: I would note that it is our view that we
2 already have produced these documents, since we have already
3 emptied our files on several occasions, and it could well be
4 that they are actually up here already, but we are happy to
5 provide them again.

6 THE WITNESS: Just to reemphasize that point, I know
7 our files, we have gone through them on a number of different
8 occasions to provide copies to a number of different bodies,
9 from the Tower Board to the PIAB, to Mr. Walsh, to the
10 committees of Congress, so it is impossible for me to say
11 with any certainty just which bodies got which documents, but
12 it was my understanding that virtually all of these bodies
13 got all of the documents.

14 MS. NAUGHTON: Okay, fine.

15 If the report could mark this version as CJC Number
16 8.

17 (Exhibit No. CJC-8 was marked for identification.)

18 BY MS. NAUGHTON:

19 Q This is a chronology again dated November 20, 1986,
20 it is documentation number N-9385 through 9401. It is an
21 historical chronology again dated 2000 hours. I will direct
22 your attention to page N-9390, and ask you whether or not
23 you recall receiving that chronology?

24 A As I page through this chronology, it does appear to
25 be a copy of a chronology that we received bearing the

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1 identifying marks in the right-hand corner, 11-20-86, 2000 hours
2 But in light about the confusion of the chronologies, I don't
3 want to say with certainty that it is until we have actually
4 produced the ones in our files, and a comparison has been made,
5 but I don't see anything on the face of this document as I
6 page through it to suggest to me that it is not the one we
7 received bearing these markings.

8 Q If I could direct your attention to 9390, the page
9 number, the second full paragraph, in late November 1985 --
10 refers to a CIA proprietary being chartered to consider just
11 cargo, and then it is later learned that it was actually 18
12 Hawk missiles.

13 In other words, there is no mention of oil drilling
14 equipment.

15 A That appears accurate, yes.

16 Q Do you recall -- does that refresh your recollection
17 as to whether or not you received a copy of this? In other
18 words, you get one chronology that says it was oil drilling
19 equipment, and then you get another that says no, it was not,
20 it was just cargo.

21 A I am not sure we have established that I received
22 a chronology that said oil drilling equipment, but I do know that
23 the oil drilling equipment line became known to us early on.
24 I can't tell you which document or how, but oil drilling
25 equipment was the story.

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1 Q I understand, well, just --

2 A I guess I also have to note for you that I didn't
3 page through the chronologies as we got them, comparing and
4 noting discrepancies or at least I don't recall having -- I
5 know I didn't do that, and I know John McGinnis didn't do that.
6 We were given to understand, and we fully expected that the
7 differing versions of the chronologies would be different,
8 because the point was emphasized upon us that the task of
9 gathering the facts was difficult, and that new facts and new
10 information was coming to light, and it was being compiled
11 and updated feverishly by people at the NSC, and that each
12 version simply reflected the best knowledge and understanding
13 that they had at the time the version was created.

14 So, we didn't do anything like a side-by-side of
15 each of these chronologies. We just wouldn't have had time for
16 one thing.

17 What we ended up doing, at least what I ended up
18 doing was seizing upon one of them and using that more or less
19 as the basis for our legal examination, because the basic legal
20 facts, or at least the basic events that raised in our minds
21 legal issues did not change dramatically.

22 Whether they called them oil drilling parts or
23 not didn't change the fact that there were Hawks on that
24 plane, and the issue remained, and you know, whether the
25 September event was the thing that most concerned us and that

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md 5

1 the important trail of that event didn't change much anyway.

2 So that is by way of explanation to say I would not
3 have noticed, I suspect, that one of these says oil drilling
4 and one of them doesn't, but that was early on a line that we
5 were exposed to.

6 MS. NAUGHTON: Would you mark this next Exhibit ^{as}
7 CJC Number 9?

8 (Exhibit No. CJC-9 was marked for identification.)

9 BY MS. NAUGHTON:

10 Q Now, CJC Number 9 refers to a document dated November
11 20, 1986, chronology of events, the document production number
12 taken from the House Intelligence Committee is 330081.

13 MR. BOLTON: I might note also that this document
14 is classified top secret, so for purposes of -- and it is not
15 declassified in any way.

16 So, for purposes of the classification of the
17 deposition, it should be top secret as well.

18 MS. NAUGHTON: This document is entitled "Chronology
19 of Events," and it is what we have referred to as a
20 mini-chronology, in other words, not a narrative chronology,
21 but rather a date in the chronology.

22 I ask you if you have ever seen this document before?

23 THE WITNESS: I have certainly seen a document
24 that bears striking similarities to this one. I suspect
25 I have seen this one.

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79

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1 BY MS. NAUGHTON:

2 Q Do you recall when?

3 A My best recollection is this document was along
4 with another of the November 20th narrative chronologies
5 that we received.

6 Q Do you recall whether it came with the last
7 chronology or would it have come with the November 17
8 chronology? It is dated November 20, which is why I asked.

9 A I really don't. I really don't.

10 Q Okay.

11 A I would suggest that Mr. McGinnis might have a more
12 precise recollection of that than I do on this. He really was
13 more directly involved in receipt and study of the chronologies
14 as they came in.

15 MS. NAUGHTON: Can we go off the record?

16 (Discussion off the record.)

17 MS. NAUGHTON: Let's take a lunch recess now for 30
18 minutes, and come back at 1 p.m.

19 (Whereupon, at 12:30 p.m., the taking of the
20 deposition was recessed, to reconvene at 1:00 p.m., the same
21 day.)

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80

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1 1:05 p.m.

2 AFTERNOON SESSION

3 EXAMINATION ON BEHALF OF THE HOUSE SELECT COMMITTEE

4 MS. NAUGHTON: Could you please mark this as Exhibit
5 10.

6 (Exhibit No. CJC-10 was marked for identification.)

7 BY MS. NAUGHTON:

8 Q We are back on the record again, and Mr. Cooper, I
9 have shown you what has been marked as CJC Number 10, which is
10 what is called the PROF note from Oliver North dated November
11 20, 1985, and it has been used previously as an exhibit in
12 the public hearings, which is why there are so many redacted
13 portions.14 Paragraph 1 starts, the Israelis will deliver 80
15 mod, short for modified, Hawks, at noon on Friday, 22
16 November. These 80 will be loaded aboard three chartered
17 aircraft owned by a proprietary which will take off at 2-hour
18 intervals for Tabriz.19 It goes on to explain the flight and the Hawk missiles.
20 Really, I have only one question for you: Have you ever seen
21 this PROF note, have you ever seen it before?22 A I have never seen this document before now. At least
23 I have never read it. I don't think this document has
24 ever been before my eyes, but it has certainly never been
25 read by me.**UNCLASSIFIED**

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1 Q Prior to November 22, when Mr. Reynolds and
2 Mr. Richardson went over to the NSC and were reviewing
3 documents, were you aware that such PROF notes existed?

4 A I don't even know what a PROF note is right now.

5 MR. LEON: That is a good answer. You couldn't
6 have reviewed it if you didn't know what it was.

7 MS. NAUGHTON: If this could be marked as Exhibit
8 11.

9 (Exhibit No. CJC-11 was marked for identification.)

10 BY MS. NAUGHTON:

11 Q Mr. Cooper, this is another PROF note again from
12 Oliver North, dated 11-22-85, marked Exhibit 11. I ask you
13 whether or not you recognize this document?

14 A I do not. I do not believe I have ever seen this
15 document, and I am certain that I have never read it. I am
16 wondering if you can tell me what this says, though, when it
17 says, note from Oliver North, subject, private something,
18 something.

19 MR. LEON: Private blank check?

20 THE WITNESS: Private blank check?

21 MR. LEON: That is a communications channel between
22 North and Poindexter.

23 MS. NAUGHTON: Would you mark this as Exhibit 12,
24 please?

25 (Exhibit No. CJC-12 was marked for identification.)

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md 9

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1 BY MS. NAUGHTON:

2 Q CJC Exhibit 12 is a PROF note from Oliver North
3 dated December 4, 1985, and it describes, among other things,
4 the November attempted transfer of 18 Hawk missiles which
5 "went awry" because the Iranians were in fact seeking a
6 weapons system that would be capable of stopping Soviet
7 reconnaissance flights along the Iranian-Soviet border, and
8 on the Iranian-Iraqi border.

9 I ask you whether or not you have ever seen this
10 document before?

11 A I have never read this document, I don't believe
12 I have ever seen it, nor do I believe I have ever seen any
13 document like this document.

14 Q Okay.

15 MR. LEON: By that, you mean the PROF format?

16 THE WITNESS: I mean visually in its appearance,
17 anything that looks like these documents do. They are
18 rather distinctive.

19 BY MS. NAUGHTON:

20 Q Now, on November 20, 1986, did there come a time at
21 which you went to a meeting at the White House regarding
22 DCI Casey's proposed testimony?

23 A Yes, I did attend a meeting in Mr. Poindexter's
24 office, at which his testimony and Poindexter's informal
25 briefing of members of I think both the Senate and the House

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md 10

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83

1 Intelligence Committees was the subject of discussion.

2 Q How was it that you went to this meeting? In other
3 words, who informed you and who asked you to come?

4 A The Attorney General, I think, sometime earlier
5 that day, informed me that I, essentially that I would be
6 attending a meeting with him that afternoon at that time in
7 Poindexter's office on this Iran business.

8 Q Did you have a draft of Mr. Casey's testimony?

9 MR. BOLTON: At what time?

10 THE WITNESS: I do not think I did prior to the
11 time I actually got to Mr. Poindexter's office. I don't
12 think I had received a draft of his testimony.

13 BY MS. NAUGHTON:

14 Q Do you know whether or not the Attorney General
15 had a draft of it prior to going to Mr. Poindexter's
16 office?

17 A I don't know, but I assume that if he had a
18 draft prior to that time, I would have received a copy, but
19 actually, I just don't know whether he had a copy of it or
20 not. My impression and belief is that he did not.

21 Copies of the testimony, of a draft testimony were
22 of course handed out at the meeting.

23 MS. NAUGHTON: I would like to have both of these
24 documents marked next in order as 13 and 14.

25 (Exhibits No. CJC-13 and 14 were marked for identification.)

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84

1 BY MS. NAUGHTON:

2 Q CJC-13 is a document~~ed~~ dated Iran Testimony, 21
3 November 1986. It is House Intelligence Committee Document
4 No. 330086, and has 10 pages to it.

5 For the record, Exhibit No. 14 is White House Document
6 No. N-10007, also dated 20 November 1986, and entitled
7 DCI's Iranian Testimony for HPSCI and SSCI 21 November 1986.

8 These appear to be drafts, Mr. Cooper, of the
9 Casey testimony. Do you recall which one it is that you saw
10 at Mr. Poindexter's office on November 20?

11 A Yes, I do, at least the exhibit marked CJC No. 13
12 is the one that I recognize as having been distributed and
13 the subject of discussion in Poindexter's office that afternoon

14 Q Did you ever see the other version, that is Exhibit
15 No. 14?

16 A I did, and when I say that I saw these versions,
17 I assume these are the only versions of -- in other words,
18 I am assuming there are not versions of this that have the
19 same identifying markings, a la the chronologies.

20 But, yes, I did see this. I have seen this.

21 Q First of all, did you see --

22 A I did not see this in Poindexter's office, however.

23 Q Let's get that again. How many versions in all did
24 you see of the Casey testimony?

25 A Three versions.

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85

1 Q Is the first one before you?

2 A Yes.

3 Q That is Exhibit 13?

4 A Yes.

5 Q And you saw that in Mr. Poindexter's office?

6 A Yes.

7 Q The second one that you saw, can you tell us when
8 that was, and if that is before you?

9 A I saw it in Mr. Casey's office the following morning,
10 on November 21, Friday, in his office. I saw another version
11 which this may or may not be, I don't know, Exhibit 14, CJC.

12 There was a version that was undergoing minor
13 revisions right up literally until the time Casey got in his
14 elevator to go to his car, and I don't -- those revisions
15 were -- I don't recall them having been substantive in nature,
16 and they strike me now as being minor, and I don't recall
17 anything about what they were particularly, but the fact
18 that certain revisions of that kind were being made suggested
19 to me that if this is the final one he handed in, there was
20 one that is not reflected here that underwent those minor
21 revisions.

22 Q Between the first draft and the second draft, is
23 there -- are there any differences that you would characterize
24 as not minor?

25 A Yes.

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86

1 Q Would you explain what those would be?

2 A Well, they are not differences really from this
3 draft to this one. What they are are differences from an
4 insert, a separate sheet of paper, that was also discussed
5 in the Poindexter meeting, the meeting in Poindexter's
6 office, in which -- which detailed the November Hawk
7 episode independently. And I understood that document to be
8 a separate document in the nature of a substitute for the
9 discussion of the November episode that was contained in
10 this draft marked No. 13.

11 Q We will get to that document. Aside from that
12 change, which is a fairly substantive change, were there any
13 other changes that you note that were not of a minor
14 nature?

15 A There may well be, but certainly the only one that
16 I attached particular significance to is the one we are about
17 to get to, and there may be plenty of them, but I just did not
18 then and have not since compared these two documents.

19 MS. NAUGHTON: If we could mark this then as CJC No.
20 15.

21 (Exhibit No. CJC-15 was marked for identification.)

22 BY MS. NAUGHTON:

23 Q CJC-15 is a document with a secret classification
24 headed by the subject in capital letters, CIA, AIRLINE
25 INVOLVEMENT. It is a one-page document of typewritten and

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87

md 14

1 handwritten changes on it. Had you seen this document before?

2 A Today?

3 Q Yes.

4 A Certainly. Yes, I have.

5 Q Can you tell us what the circumstances were?

6 A Yes, this is the document that I am -- that I referred
7 to earlier as being a separate one-page document that discusses
8 the November episode, and that I took to be in the nature of
9 a substitute for the discussion of the November episode in the
10 draft Casey testimony that is identified as No. 13.

11 The circumstances surrounding this document are that
12 it was the primary subject, primary focus of discussion about
13 the November Hawk episode at the meeting held in Poindexter's
14 office on November 20.

15 Q Let's set up the meeting first, if we could.
16 Approximately what time of the day was this meeting?

17 A My chronology reflects 1:30 to 3:00, that is an
18 approximate time, but it comports with my best recollection.

19 Q And who attended the meeting?

20 A To the best of my collection, the meeting was attended
21 by Poindexter, Casey, my chronology reflects that Gates was
22 there, but I cannot see him in my mind's eye.

23 I do not visualize him, North was there, Paul
24 Thompson was there, I was there, the AG was there, and I think
25 that is all I can recall as having been there.

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88

1 Q Do you know who called the meeting?

2 A I understand Poindexter called the meeting but,
3 you know, I may have assumed that from the fact that it was
4 in his office, but I don't have any knowledge other than that
5 it was Poindexter.

6 Q Did someone at the meeting begin by explaining the
7 purpose of the meeting?

8 A I don't recall any preliminary remarks that were
9 focused on that particularly. We were examining Casey's draft
10 testimony and this substitute page, and there was general
11 discussion in the room about the Iran initiative and the
12 facts underlying it, and North's efforts, particularly in
13 conjunction with McFarlane to develop an accurate and
14 thoroughgoing accounting of the facts that surrounded that
15 initiative, but there was no opening statement from anybody
16 as to why we were there.

17 It was quite obvious why we were there.

18 Q Did anybody sort of run the meeting?

19 A Well, no, it was not -- there was no formalities of
20 any kind. It was not run in the sense that somebody recognized
21 people to contribute and speak.

22 It was just a -- no, you know, a very informal
23 discussion. There were some people who participated more
24 than others, but there was no one who I would identify as
25 having run the meeting.

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89

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1 Q Did you go through his testimony paragraph by
2 paragraph or page by page or was it a general discussion
3 whoever saw something that needed discussion would bring it up?

4 A It was much more the latter than the former.
5 We did not go through it page by page. We did go through,
6 however, this document, marked number 15, pretty much
7 paragraph by paragraph.

8 Q Do you recall who presented the insert?

9 A I don't. I don't recall from whence either of these
10 documents emanated. I assumed then, and I certainly have
11 never received any information to the contrary that they were
12 both produced by the CIA, but I have no information on that one
13 way or another, at least I don't recall.

14 Q Was anyone from the CIA's General Counsel there,
15 to your knowledge?

16 A I don't think so. I don't think Dave ^{Doherty} ~~Dougherty~~
17 was there. I thought Gates was there, but then again, I would
18 never have seen Gates before that time, and I guess
19 identifying something -- I know somebody was there with Casey
20 and the thing about which I am least confident in terms of the
21 people who were in that room was who was with Casey.

22 I thought that it was Gates. At least when I wrote
23 this chronology, I thought so.

24 Q Do you recall that person, whoever it was, making
25 any comments during the meeting?

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1 A I do not. I don't recall Casey having made any
2 comments particularly. I do know that he made -- he did make
3 some comments, but none that I have any recollection of.
4 He participated very little in the meeting.

5 Q Going through then the insert, first of all, was it
6 just presented for people to read and then comment on or did
7 anyone actually sit down and verbally describe what happened
8 in that way?

9 A It was presented, and it wasn't really -- I don't
10 really remember anyone actually presenting it, though that may
11 have happened. The thing I remember is that I sat down on
12 the couch and all I can remember in my mind's eye is there was
13 a copy of this on the cushion next to me, but it had to be
14 passed out by somebody.

15 I just don't remember who did it. There was
16 nobody who just went line by line through it. We did just
17 read it and discuss particular elements of it that were -- that
18 various people raised. When I say various people, that is
19 putting too high, because North was the one who was by far the
20 dominant participant in the discussion of this document and
21 that episode.

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#5 flsSTEIN

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91

#5 1 Q Okay. Now, the document you have before you seems
CAS-1 2 to have two -- at least two different kinds of handwriting.
STEIN 3 Do you recognize any of the handwriting on the document?
4 A The darker handwriting I suspect is the
6/22/87 5 Attorney General's. But the only thing I can say with
1:30 6 absolute certainty is that it is not mine, none of the
7 handwriting on this document is mine. There is a document,
8 however, that does bear my handwriting.
9 Q The third full paragraph seems to have the first
10 substantive change in terms of the handwriting. In other
11 words, the phrase there, "intermediary with the Iranians"
12 is crossed out and the phrase the "Israelis" inserted in .
13 what appears to be the Attorney General's handwriting.
14 Can you describe what that discussion was that led
15 to that change?
16 In other words, another change is made later on
17 in a similar vein. Was there a discussion that we shouldn't
18 discuss the intermediaries being used?
19 A No. Not at all. In fact, I think that was
20 simply a factual error at least so Mr. North --
21 Colonel North -- I associate these changes, each one of them
22 with Colonel North, but -- because he was the only one at
23 the meeting who was speaking in a way that impressed me as
24 being authoritative in that he had some basis for knowledge
25 of the facts.

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92

CAS-2 1 Nobody else at that meeting impressed me as having
2 any personal or other firm basis for knowledge of the facts.
3 And I think this was simply that that was a factual error,
4 that the NSC passed the name of the airline, the NSC being
5 North, the name of our airline to -- directly to the
6 Israelis, not to anyone representing Iran.

7 And that was consistent, I think, with -- probably
8 with any of the chronologies that had been distributed up
9 until that time.

10 Q If we go down three more paragraphs, starting with
11 the paragraph, "To the best of our knowledge...", "neither..."
12 this part is changed -- "the intermediary did not know that
13 he was dealing with a CIA proprietary" is changed to the
14 "Israelis nor the Iranians knew that they were dealing with
15 a CIA proprietary."

16 Can you tell us what the discussion was revolving
17 on that change?

18 A I am confident that it was a change suggested by
19 North. I don't have a recollection specifically as to the
20 conversation that revolved around this change. I would
21 suspect that it was a change that simply harmonized it with
22 the earlier change that was made and was based upon North's
23 knowledge of the facts.

24 But there wasn't a lot of conversation and I don't
25 have any particular memory for that change.

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93

CAS-3 1 Q If we could skip down then to the next paragraph,
2 "The airline was paid...", and then the phrase -- "by the
3 Israelis" is inserted.

4 Was there a discussion of who paid the airline?

5 A Well, I assume from this interlineation that there
6 was a discussion, at least a discussion that consumed enough
7 time for North to make this point, and I again believe that
8 it was North who would have made this point.

9 But I don't recall any -- you know, my general
10 recollection is that there was some conversation about these
11 things, although North was clearly in the driver's seat on
12 these changes.

13 He was the only one who, at least by my impression
14 at the meeting -- nobody challenged his knowledge of the
15 facts and these are factual points that were being made.

16 Q What about the last substantive change, in other
17 words, the sentence, it had, in fact, made a legitimate
18 flight into Tehran carrying commercial items prior to the
19 22-25 November incident was changed to "It had, in fact,
20 made another unrelated...", and the phrase "legitimate"
21 stricken.

22 That seems to be not a factual change, but rather
23 a re-characterization.

24 A That is right.

25 Q Do you recall that being discussed?

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94

CAS-4

1 A I do not recall it. I do not recall -- this seems
2 more like a lawyer's change than a ~~fact witness~~ ^{factual} change, but
3 I don't remember whether that is something either I or the
4 A.G. suggested be made or somebody else. I just don't
5 remember.

6 It is entirely possible that one of us did suggest
7 that change.

8 Q Finally, let's get to the big change. On the
9 paragraph starting, "To the best of our knowledge...", the
10 second sentence, "We in the CIA did not find out that our
11 airline had hauled Hawk missiles into Iran until mid-January
12 when we were told by the Iranians..." was changed to "No one
13 in the U.S.G. found out that our airline had hauled
14 Hawk missiles into Iran until mid-January, when we were told
15 by the Iranians." Do you recall who proposed a change from
16 "no one in the CIA knew it" to "no one in the U.S. Government
17 knew it"?

18 A Yes, I do.

19 Q Who was that?

20 A Lieutenant Colonel North. I have a vivid memory
21 of this and the reason I have a vivid memory of this
22 and a general, vague memory of the other changes is that
23 immediately after this meeting concluded my -- I had occasion
24 to have my attention focused on this passage and this change.
25 This is the change that got the ball rolling, so to speak.

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95

CAS-5

1 But, yes, North did suggest that this was not --
2 that this change was necessary to avoid the implication that
3 somebody in the U.S. Government knew about the Hawks,
4 though it wasn't in the CIA. He wanted to make clear that
5 nobody in the United States Government knew about these
6 Hawks until we were told in mid-January by the Iranians.

7 And he was -- you know, nobody argued with him,
8 but he was emphatic about that. I mean, he was firm in his
9 view that that should definitely be changed.

10 Q So he stated that no one in the U.S. Government
11 knew about the Hawks?

12 A Yes. That was his formulation.

13 Q And no one at the meeting objected?

14 A No.

15 MR. LEON: Nobody had left the meeting -- what about
16 at the beginning?

17 THE WITNESS: Paul Thompson was in and out, and
18 North, in fact, was in and out a couple of times during the
19 period that I was in there -- but, no, the point is --

20 MR. LEON: Was Casey and Poindexter there when he
21 suggested this?

22 THE WITNESS: Absolutely. They were there. And
23 so, you know, there is a document that bears my own
24 interlineations precisely to that effect and we just made
25 the change and went on.

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96

CAS-6

1 BY MS. NAUGHTON:

2 Q And you recall no other substantive changes that
3 you took note of or can recall at this time?

4 A Substantive changes?

5 Q To Mr. Casey's testimony.

6 A There may have been others that were made, but none
7 that I took note of. This is the only one that had any
8 significance for me or does now.9 Q At that time when that change was made, what was
10 your understanding about the November 1985 shipment?

11 A My understanding was --

12 Q Excuse me. Let's say, walking into the group, --
13 not after the insert was given to you, what was your
14 understanding of the arms shipment?15 A It was generally in accord with, and I can't tell
16 you I had received this document prior to the time I walked
17 in there.18 Q This is the 11/20. You had received a version on
19 11/17. I can show you a copy of that.20 A Right. But what I am suggesting is what time is
21 1300 -- that is one o'clock?

22 MR. LEON: Yes.

23 THE WITNESS: It is possible that I had this
24 document prior to the time I went in there or that I was
25 presented with it when I got there. I just don't remember.**UNCLASSIFIED**

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97

CAS-7 1 But either one, I mean they are not dramatically different
2 in terms of the portrayal between the November 17
3 chronology and the November 20th chronology.

4 But my understanding was basically as reflected
5 there, that we had gotten the Hawks back, that we had been --
6 that the Israelis had acted unilaterally in sending Hawks,
7 that we were unwitting of any such fact.

8 By that time I feel certain that oil drilling
9 equipment had been introduced into the -- into the event. But
10 the salient features for me, looking at it in terms of what
11 kind of Hughes-Ryan problem we might have, because a CIA
12 proprietary was used, was that we were unwitting of the fact
13 this was Israel who was attempting to do this, and that we
14 had upon discovery gotten the Hawks back, that the Hawks
15 had been given back and that we had been encouraging, if not
16 the motivating force behind that.

17 Now, North at the Poindexter meeting very much
18 encouraged that understanding of the November event. In
19 fact, I recall him using the term jawboning to describe
20 how they had to get the Hawks out of the Iranians. There was
21 no suggestion that the Iranians were displeased with the
22 items and irritated and wanted to give them back, only that
23 we were displeased by the event and that North had been
24 dispatched by McFarlane or Poindexter, I don't recall whom,
25 to ensure the return of those Hawk missiles.

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CAS-8

1 BY MS. NAUGHTON:

2 Q Why?

3 A Well, I didn't know anything other than that we
4 were irritated and that this was not good, and that what the
5 chronology said, which was to the effect that this
6 transfer somehow jeopardized our ability to establish a
7 direct link with the Iranians.

8 MR. LEON: Was Casey and Poindexter there when he
9 said that?

10 THE WITNESS: No. I don't think that was
11 articulated at the meeting. That was articulated in these
12 chronologies or at least in the one that I focused on.

13 MR. LEON: The jawboning?

14 THE WITNESS: No, the jawboning was a statement
15 that, to the best of my recollection, North made at the
16 meeting.

17 He went through a portrayal of the event^s that
18 included the fact that he jawboned the Iranians to get those
19 Hawks back. And it was tough going, you know, and I
20 mean he portrayed the event as though it had happened.

21 MR. LEON: My question is when he gave that
22 description, Poindexter and Casey did hear it?

23 THE WITNESS: Oh, yes. Poindexter and Casey were
24 there throughout the entire meeting. They did not leave to
25 my recollection.

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99

CAS-9

1 At least they were there during the time that I
2 was there and I didn't leave until the end of it.

3 But when you say "why" I am reporting now what I
4 understood to be the fact from a chronology. He didn't say
5 that anything other than that this was upsetting our plans.
6 I mean, some conclusory statement I am sure he made. I
7 remember he was fond of the word "dork", and he was saying
8 "this dorked everything up".

9 I recall him using that word in Poindexter's office
10 and I recall him using it as well in the A.G.'s office, as
11 well on Sunday.

12 BY MS. NAUGHTON:

13 Q But did he make any reference outside of what is
14 in the insert in terms of the U.S. Government's knowledge in
15 terms of when they find out this was Hawks? In other words,
16 several of the chronologies say we didn't find out until
17 January. Others sort of fudge on that question. Did he
18 make any affirmative statements as to when the United
19 States Government found out they were Hawks?

20 A No, I don't recall him making any such statement,
21 but if he did make a statement, he didn't make one that
22 diverged from the suggestion made on this piece of paper
23 or we would all have focused on it and changed this piece of
24 paper, because he was the one calling the factual shots.

25 Q Did anyone else in the room volunteer when they

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100

CAS-10 1 found out it was Hawks?

2 A No. North commanded absolute deference from
3 everybody in that room. When I left that room I did not --
4 I had the distinct impression that nobody had any factual,
5 personal factual knowledge of the events that we had just
6 discussed, and certainly didn't have any knowledge or
7 evidence for the proposition that anybody had doubts about
8 what North was reporting.

9 Q Well, I am not so much asking if anyone was
10 skeptical, but if anybody supported his statement that
11 no one knew. In other words, did Casey or Poindexter
12 say, yes, I didn't hear about it until January?

13 A No. At least I don't recall. It is possible
14 that such statements were made and they didn't register
15 in my memory. I just don't recall any such statements
16 having been made.

17 Q Let's go to the participants then. Do you recall
18 what, if anything, Admiral Poindexter did say at the meeting
19 on any topic, but particularly this topic?

20 A I don't recall anything that he said on this topic
21 and I guess in the recollection of it the one thing that as
22 more information came to me struck me about my recollection
23 was that he didn't say anything about it.

24 And the same is true of Casey. There was no
25 contribution that I can recall to this factual information

UNCLASSIFIED

UNCLASSIFIED

101

CAS-11 1 that we are discussing here. And about the only thing --
2 now, Poindexter had -- he did participate in the
3 conversation at -- you know -- at certain intervals, but
4 I don't recall anything in particular that he said except
5 I do recall that it was my impression that he -- that using
6 the information contained in this testimony that he was
7 basically doing an outline for himself to assist him in
8 his briefing the following day, and I can recall -- I don't
9 know why this sticks in my mind, but I can recall him referring
10 to such an outline and that he would follow along that outline
11 in his briefings.

12 Q What about Mr. Casey? Do you recall any particular
13 comment that Mr. Casey made about anything discussed at that
14 time?

15 A No. I just have a general recollection of
16 Mr. Casey, you know, at certain intervals making a comment.
17 I don't have any recollection for what it was or -- you
18 know, I just don't have anything other than the most
19 general recollection at all, other than this incident, which
20 has external reasons for sticking in my mind and I can't
21 tell you what he may have said other than a general sense
22 that he did make a comment now and again.

23 He did not participate much, however.

24 Q Mr. Thompson was at the meeting. Do you recall
25 any comments he may have made during the meeting?

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102

CAS-12 1 A No. I have no specific recollection of comments
2 or contributions he made. That is not to say he didn't make
3 them. I just don't recall.

4 Q What about the Attorney General, do you recall any
5 comments the Attorney General made during the meeting?

6 A The only thing I can recall that -- the only part
7 of the conversation I can recall that the Attorney General
8 made points and participated in with respect to his own
9 knowledge was the legal review point, because I do remember
10 everybody agreeing that they had a meeting in Poindexter's
11 office on what -- I shouldn't say everybody, the people who
12 were in that meeting and I take them to be Poindexter and
13 Casey at least and I guess Sporkin was with them, but they
14 had a meeting on December 7th or thereabouts, and the A.G.
15 focused on, with the others, legal issues related to the
16 finding, to a finding that was proposed or in the offing
17 or being drafted.

18 But the question was whether or not, as I understand
19 it and recall, the finding was appropriate in this context
20 and whether the arms transactions could be accomplished,
21 and Sporkin had done, it is my understanding, background
22 legal research on that and the A.G. was looking over his
23 shoulder on it, so to speak.

24 Q Was there any discussion of Secretary Weinberger
25 and his participation in that meeting on December 7th?

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103

CAS-13

1 A I don't recall, although through some other meeting
2 or source , I have now been given to understand that
3 Weinberger wanted himself independently to check the law,
4 and he did that and then reported shortly thereafter that
5 he was comfortable with the analysis.

6 Whether that happened at that meeting or it happened
7 at some subsequent meeting prior to the time the finding was
8 actually ~~assigned~~, I cannot tell you, but I don't have a
9 specific recollection of Weinberger's participation in an
10 earlier meeting having been discussed at the Poindexter
11 meeting that I attended.

12 Q Do you recall any other comments that the Attorney
13 General might have made at that meeting?

14 A No, I don't. Though, you know, he did make other
15 comments. I have the general recollection that he made
16 other contributions to the meeting.

17 Q But you have no specific recollection?

18 A I just really don't, no.

19 Q You did not leave with the Attorney General; is
20 that correct?

21 A I left the meeting at the same time the Attorney
22 General did, but he went to West Point to make a speech.
23 In fact, he had delayed his trip in order to attend this
24 meeting.

25 And I went to Peter Wallison's office.

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104

CAS-14 1 Q What did Mr. Wallison tell you, if anything?

2 A Well, it really wasn't -- he didn't ask me
3 to come to this office really to tell me anything. As soon
4 as I was leaving the meeting, I was handed a message by the
5 Secretary whose office is right there outside of Poindexter's
6 office door that said Peter Wallison would like to see
7 you.

8 Paul Thompson was there next to me so I made him
9 aware of that fact and we both went to Wallison's office.
10 The only thing that sticks out in my mind other than that
11 he wanted to know what our meeting was about and what was
12 discussed, whatever, was his expressing his own irritation
13 and regret that he had not been invited to attend the meeting.

14 MR. BOLTON: I think there may be an ambiguity
15 on the record. Were you talking about Wallison's
16 irritation that he had not been invited to the meeting?

17 THE WITNESS: Yes. He directed that at Paul
18 Thompson.

19 BY MS. NAUGHTON:

20 Q Did he then tell you about a message he had
21 received from the State Department?

22 A No. While we were having a conversation,
23 Abe Sofaer called, and I can't recall precisely the sequence
24 of calls, but I think Abe Sofaer called into Peter's office
25 to express to Peter a concern that an understanding of the

UNCLASSIFIED

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105

CAS-15

1 November episode that some were under or were advancing
2 was not consistent with the State Department's understanding
3 of that episode.

4 He suggested that -- and I don't remember whether
5 he got any more specific from that, but I do remember
6 getting on the phone with Abe and saying, you know, was this,
7 what do you -- what is your understanding, because these guys
8 are going forward with theirs tomorrow.

9 And he said he didn't want to discuss it on an open
10 line. So he called back secure, Wallison has only one secure
11 phone in his office, and so Wallison fielded the call.

12 My recollection is that Wallison then reported to me
13 and to Paul that according to Abe, Shultz remembered a
14 conversation around November 18th in which McFarlane advised
15 Shultz that the Israelis were going to transfer military
16 equipment to the Iranians.

17 Nothing about oil drilling parts, but arms.
18 When Wallison reported that to me and to Paul, my mind
19 immediately went to this statement about no one in U.S.G.
20 knew that they were Hawks.

21 And I confronted Paul with that and said we just
22 left a meeting at which North made emphatically this point
23 and that now the credibility or reliability of that point
24 was seriously questionable and I also pointed out that the
25 portrayal in the chronology had never struck me as a

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106

CAS-16 1 particularly obvious explanation for why the Hawks were
2 returned, if they were returned. I didn't really -- and I
3 told Thompson that.

4 I told him that is not a credible story. I may
5 even have said it seems incredible, although if I used that
6 word I think I put it a little high, but at that moment I
7 was very concerned and was speaking in very stern language
8 to Paul about this, trying to impress upon him the
9 seriousness of this matter in light of the fact that
10 two cabinet officials would be making these statements
11 tomorrow, or at least that was the plan.

12 So I told Paul to get back with North immediately
13 and to re-examine this point here. So he said he would.
14 Now, I don't remember what else we did during that meeting,
15 but those things, of course, are vivid in my recollection
16 about the meeting.

17 So I think that is about the size of the Wallison
18 meeting.

19 Q Did you speak to Sofaer later that day?

20 A Yes, I did. And my concerns were exacerbated.
21 Not only that, I recall having spoken both with John here
22 and Brad Reynolds to indicate that a problem was in the
23 offing, but frankly, I don't remember whether I spoke to
24 them before or after I had talked to Sofaer on the phone.
25 But when I did return to my office, I spoke with both Paul

UNCLASSIFIED

UNCLASSIFIED

107

CAS-17 1 Thompson on the phone and Abe Sofaer. I had not spoken
2 with Abe except fleetingly in Wallison's office. And I
3 don't remember whether I called him up or not, but in any
4 event, the burden of my part of the conversation was
5 "are you sure, Abe?". I mean, this is a serious discrepancy,
6 and are you certain of your end of this?

7 And he said we have a note -- we have notes,
8 contemporaneously recorded notes reflecting this
9 conversation that say Hawks. And that just heightened
10 dramatically my own concerns about it.

11 Now, I don't remember whether I had already talked
12 to Paul and Ed told me that North and McFarlane are sticking
13 by their story or whether -- but I think I had -- and then --
14 but in any event, I called Paul back and related to him that
15 the credibility for the State Department's end of this had
16 just gone up dramatically and that, you know, in even
17 sterner language, suggested we can't fool around here, this
18 has got to be ironed out and resolved immediately or both
19 Casey and Poindexter will -- the offending statement or the
20 uncertain statement would have to be taken out of their
21 testimony.

22 Q Did you speak to Oliver North that day, after
23 the meeting for the testimony?

24 A I did not. But Paul represented to me that he had
25 and it was my understanding that North in turn had talked

UNCLASSIFIED

UNCLASSIFIED

108

CAS-18 1 to McFarlane and the report that I got back was that that is
2 their best understanding of the facts.

3 Q Did Judge Sofaer make any comments about
4 threatening to leave the Government or having to leave
5 the Government if this testimony went forward?

6 A He made a comment that is more responsive to the
7 latter than to the threatening part. He indicated that the
8 following day he, too, would be on the Hill and would be
9 representing Armitage or Armacost -- I guess as
10 Armacost, who was up there testifying as well from their
11 end on this or would be, and that they would be up there
12 at the same time Casey was, and that obviously if Casey
13 said anything inconsistent with their understanding, at
14 least with anything that they had good reason to believe
15 was inaccurate, that Sofaer would have to advise his
16 client to make known their understanding of the facts right
17 then and there.

18 And it struck me that -- I recall having concurred
19 with his view that that is obviously what you would have to
20 do, and he made a reference or a statement rather cryptic,
21 actually, that obviously if all that happens, something to
22 the effect that he may be packing his bags.

23 I suggested to him if that happens a lot of us
24 may be packing our bags.

25 But I also told him he needn't concern himself,

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109

CAS-19

1 because that ain't going to happen. I was quite
2 confident that that was not going to happen, that they
3 would be prevented from saying anything the accuracy of which
4 was now in doubt.

5 Q To your knowledge, did Judge Sofaer communicate
6 with anyone else at the Department of Justice on this issue?

7 A It does strike me that he had a conversation with
8 Arnold Burns earlier that day. I do not recall, however,
9 that he made the points to Arnie that he had just made to
10 me.

11 I did not understand that.

12 MR. LEON: For the record, Mr. Burns was
13 Deputy Attorney General of the United States at that time?

14 THE WITNESS: I guess he was by then.

15 BY MS. NAUGHTON:

16 Q Did Judge Sofaer discuss with you what he and
17 Mr. Burns had talked about?

18 A I don't recall that. It may well be that he did,
19 but I don't recall it.

20 Q Did you talk to Admiral Poindexter then that
21 afternoon?

22 A I did or that evening, late that evening, later.
23 After I had more or less closed the loop with Paul Thompson
24 and had learned from him basically that they were sticking
25 by the story.

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110

CAS-20

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I think I said, Paul, that is not viable or

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something to that effect.

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I told him that the State Department has con-

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temporaneous notes indicating there were Hawks on that

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plane and that he needs to get back to those guys and try

6

again.

7

But after that I then undertook to get hold of the

8

A.G. and I did remember having talked to Brad and to John,

9

both of whom fully concurred that the A.G. should be advised

10

and essentially asked to come back, but --

11

Q When you talked to Admiral Poindexter, did you ask

12

him whether or not McFarlane had told Shultz that there were

13

Hawks on that November 1985 shipment?

14

A No.

15

Q Why not?

16

A First, I don't think I told him the source of my

17

conclusion that there was a discrepancy about the accuracy of

18

the statement "no one in U.S.G.". I don't think I outlined

19

all this other than to say there is a serious question about

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the accuracy of the statement and essentially that I and the

21

A.G., obviously, particularly the A.G. does not think that

22

statement should be made the following day.

23

I certainly did not ask him the question you just

24

asked if I asked.

25

Q Did he ask you what the discrepancy was?

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111

CAS-21 1 A I don't recall him having done so. I don't think
2 he did.

3 MR. LEON: Your notes indicate he said he couldn't
4 reach you.

5 THE WITNESS: That he couldn't reach --

6 MR. LEON: McFarlane.

7 THE WITNESS: I think that is an inaccurate note,
8 but I will get back to that.

9 BY MS. NAUGHTON:

10 Q My question was did Mr. Poindexter ask you what the
11 discrepancy was?

12 A I don't think so, but -- I mean, I do not recall
13 having outlined to him the discrepancy and if he had asked
14 me, I would have outlined it.

15 It was sufficient for his purpose that we had
16 serious doubt or concern about the accuracy of that statement,
17 that he seemed to be entirely nonresistant to the
18 proposition that it might not have been entirely accurate.
19 He didn't question me at all that I can recall.

20 He also suggested he would get to Casey and advise
21 him. Now, I made that call at the Attorney General's
22 instance and suggestion, whom I, after two hours of
23 incredible hassle, managed to get through on a secure line,
24 and outlined to him the things that I have outlined here
25 to you now about why we had a problem, and I further outlined

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112

CAS-22 1 that he should in my opinion return to the Department the
2 following day and get his arms around -- or somebody should
3 get their arms around this problem before something
4 inaccurate was publicly stated.

5 Q So you told the Attorney General what the discrepancy
6 was. In other words, you explained to him your conversation
7 with Judge Sofaer?

8 A Yes.

9 Q And what was his response to that?

10 A It was one of complete agreement with my
11 conclusions that I drew from it. He didn't -- I mean other
12 than -- I don't know if you have talked secure on one of
13 these portable things, but it makes for a very awkward and
14 stilted kind of conversation.

15 You have to say "over", and then the other person
16 then comes on, and basically he just said "I see. I see.
17 Okay". And then advised me that he would attempt to cancel
18 his day the following day.

19 He fully agreed that he should return, that this
20 was a matter the potential of which was dramatic, and so
21 he assured me he would be there the next day. He instructed
22 me to get hold of Poindexter if possible that evening and
23 advise him that his briefing should be revised accordingly
24 and to try and get ahold of Casey or the CIA General
25 Counsel to alert them to that fact, but that I probably

UNCLASSIFIED

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113

1 also should go out to Casey's office the following morning
2 just to ensure that the change in the testimony was made.
3 And that ~~was~~ my main concern was the testimony, because it
4 had been, at least insofar as I knew from this document
5 number 15, there was imprinting in writing this information,
6 the accuracy of which we seriously questioned. So I followed
7 his instructions and made the calls.

end 5

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114

BAP 6-1

2:00 p.m.

1 BY MS. NAUGHTON:

2 Q Did Admiral Poindexter tell you that he had
3 spoken to DCI Casey?4 A He did, but I don't believe he told me in that
5 conversation, though, there is something -- well, he did
6 tell me he had taken -- that he had spoken to Casey; that he
7 had tried to call him; that Casey -- he had woken Casey up
8 and that Mr. Casey was sufficiently groggy that he would--
9 Poindexter was not at all confident that any real
10 communication had taken place.

11 Q Okay.

12 A So from this I must conclude I talked
13 to Poindexter twice that evening, and if I can digress for
14 just a moment, Dick, I think your earlier reference to that
15 note, that is John McGinnis' interlineation.

16 MR. LEON: That is at the bottom of page 1?

17 THE WITNESS: Of my chronology.

18 MR. LEON: J-7695.

19 THE WITNESS: Corresponds to the 11 o'clock entry
20 on November 20.21 MR. LEON: Yes. Would you read the entry for the
22 record, Chuck?23 THE WITNESS: "Eleven o'clock, CJC call to
24 Poindexter who said he had not been able to talk to
McFarland."**UNCLASSIFIED**

UNCLASSIFIED

115

1 I think that -- I don't think Poindexter is the
 2 one who was reporting to me that he had not been able to talk
 3 to McFarland^e. I think my conversation with Poindexter
 4 insofar as it related to his conversation with somebody
 5 else related solely to Casey.

6 What I think John McGinnis has in mind here -- at
 7 least my recollection of what took place -- is that later on
 8 after I had chatted over the phone with Paul Thompson, and
 9 told him that I had got a note here that says Hawks, or so
 10 I am told, I subsequently connected on the phone with him
 11 at the Kennedy Center.

12 I think he advised me that he had not been able to
 13 get in touch with either of the two again, McFarland^e or North,
 14 because I had reiterated that he should go back and try again
 15 and do what he could to refresh their recollections.

16 So I think that is the explanation, Dick, for
 17 this entry. At least what I have just told you is my best
 18 recollection from what took place that evening.

19 BY MS. NAUGHTON:

20 Q Did you also call Mr. ^{Doherty} ~~Daugherty~~ at CIA?

21 A Yes, I did.

22 Q And what happened?

23 A I advised him that a statement that had been
 24 inserted in the testimony we had reason to believe may not
 25 be accurate. I notified him which statement it was and he

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1 told me that he had already deleted that entire sentence.
2 At least that is my recollection of what he told me. That
3 obviously took care of my problem.

4 Q Did he say anything had been substituted in its
5 place?

6 A Well, no, I don't recall him having
7 said that something was substituted in its place, but I
8 did, I guess, subsequently learn, and it may well be that
9 he made reference in that call, to the fact that they said
10 the CIA-- they limited the disclaimer of knowledge to the
11 CIA in the testimony.

12 I think the draft-- I mean the testimony marked
13 CJC Number 14 is consistent with that.

14 Q Did you make arrangements through ^{Doherty} Dougherty to
15 see Director Casey the next morning?

16 A It wasn't so much to see Casey as it was to join --
17 well, I may have. I may have. To tell you the truth, I
18 just don't remember whether they were already going to have
19 the meeting or whether I suggested it, a meeting in his
20 office like at 8:30 or 8 o'clock or whenever it was.
21 My notes say 8:00 to 8:30. I just don't remember, although
22 I do know that we discussed my coming over that morning.

23 Q Okay. Now, the next morning do you recall when the
24 meeting was at the CIA? That is Friday, November 21st.

25 A No. The best -- my chronology suggests it was

UNCLASSIFIED

UNCLASSIFIED

117

1 8 o'clock or 8:30.

2 Q Tell us what happened when you got there.

3 A Well, when I got into his office, there were several
4 people who -- well, there were two or three people whom I did
5 not recognize milling about, it seemed, and maybe these were
6 legislative officials or something of some kind.

7 MR. BOLTON: That is ^{what} we usually do.

8 THE WITNESS: But ^{Doherty} Daugherty was there and Casey
9 was there and we had a brief conversation about the
10 discrepancy and the information that had come to light the
11 previous day.

12 BY MS. NAUGHTON:

13 Q What did you say?

14 A My best recollection is that I outlined the fact
15 that State Department and Secretary Shultz, particularly,
16 was given to understand that there were Hawks on that ship ^{ment},
17 not oil drilling equipment, and that obviously, there have --
18 it could not -- until that was resolved, it could not be
19 said that no one in USG knew that there were Hawks until
20 January. And Casey was, you know, he was in no way
21 resistant. He accepted that as fine.

22 Q But to the best of your recollection, can you tell
23 us what his ^{responsibility} responsibility was?

24 A He didn't really have a ^{responsibility} responsibility other than
25 to concur or acknowledge the fact that until the uncertainties
were resolved that understanding of the event that we had

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1 agreed upon to follow the previous day could not be
2 shared with Congress or anybody else. I just don't recall
3 him, what specifically he said in response if anything other
4 than one of agreement with the point that we could not
5 go forward with that information in the circumstance.

6 Q So he agreed that he could not say no one in the
7 U.S. Government knew they were Hawks, conversely, did you
8 discuss whether he could volunteer to the Congress that
9 Secretary Shultz believed he was told by Mr. McFarlane^c that
10 it was Hawks?

11 A No, we didn't discuss that. Certainly, it was not
12 my impression that he intended to do that. The matter,
13 you know -- it was a fact that was -- the state of the
14 United States Government's knowledge regarding the Hawks
15 episode was simply one of uncertainty at that point. We
16 had conflict. So I did not expect or otherwise suggest to
17 them, to him, that he should make any point one way or
18 another on that other than that this would now become among
19 the things that we are still gathering information on.

20 Q Did you tell Director Casey that Mr. Armacost
21 would dispute it if you did say that no U.S. Government
22 official knew?

23 A No. I have a high level of confidence that I
24 didn't get into that.

25 Q Was there any discussion of what Mr. Armacost's

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1 testimony would be?

2 A No, I can recall no reference at all to that.

3 Q Did Mr. Casey volunteer as to what he knew about
4 the Hawk shipment?

5 A No.

6 Q Did he volunteer as to when he learned they were
7 Hawks?

8 A No, he didn't. My impression was that he was
9 just like me, a receiver of information, not a possessor
10 of information. That was my impression in Poindexter's
11 office, and it again was -- I had no contrary evidence at
12 all in Casey's office.

13 Q The other unidentified people in the office,
14 did you learn there identities later?

15 In other words, were any of them Charlie Allen or
16 Mr. McMahon or any of the people you subsequently inter-
17 viewed?

18 A No. McMahon was gone by then.

19 MR. LEON: He retired.

20 THE WITNESS: I do recall Gates coming in from what
21 appeared to be an adjoining office or suite of offices
22 sitting down for a very brief moment of time, and then going
23 back into his office. But I do not recall Charlie Allen as
24 having been among the people who were up there. But then
25 I had never met Charlie Allen, but when I did interview him

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1 I don't recall him as being familiar to me.

2 BY MS. NAUGHTON:

3 Q What about Mr. Clarridge?

4 A No, I don't think Clarridge was among them either.

5 I can't speak to that with certainty. I remember ^{Deherty} Daugherty

6 and I remember George ^{Jameson} Jamison joined us just before he left.

7 Q So did ^{Jameson} Jamison hear you give your explanation of what
8 Sofaer had told you?

9 A I don't think he was there at the time.

10 Q Were you given a revised copy of Mr. Casey's
11 testimony?

12 A I think I was. I think I took one back to the
13 Justice Department.

14 Q This would be number CJC Number 14.

15 A Yes. If I was, yes, I assume it would be 14.

16 If this -- if JC 14 is indeed a copy of what he ultimately
17 testified from or delivered to the committee.

18 Q At 8:30 after you left the CIA where did you go?

19 A I went back to my office. To the Justice
20 Department to my office.

21 Q Did you attend any staff meetings that morning?

22 A No. I didn't, although I recall -- it seems to
23 me that -- does anybody know what time Casey was to testify?

24 MR. BOLTON: It started before HPSCI in the morning
25 like 9:30 or 10:00.

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1 MR. LEON: 9:30.

2 THE WITNESS: Okay, this 8:30 ending time may be
3 underestimated because I remember that they were quite
4 concerned about being tardy when we left very hurriedly
5 and put the light and the siren on, and I remember pulling
6 in very tight behind the follow-up car so I could get the
7 benefit of that siren through the ungodly traffic that was
8 on the George Washington Parkway at the time.

9 But they were pressing to get there in time for him
10 to testify, and I would suspect that I got back to the
11 office around 9:00, between 9:00 and 9:30-- 9:15 maybe, or
12 thereabouts.

13 BY MS. NAUGHTON:

14 Q Do you recall then meeting with any senior
15 Department of Justice people that morning?

16 A Well, I recalled at the time I did this chronology
17 that I met with the A.G., Brad Reynolds, and John Richardson.
18 Whether ^{Arnie} ~~Arnie~~ was there or not is a question mark both
19 on my chronology and in my mind. But we did meet not long
20 after the A.G. arrived, I'm sure, from Westpoint, and that
21 was prearranged between the A.G. and me.

22 We were going to meet as soon as we both got back
23 into the office and it was plus or minus 9 o'clock when we did.

24 Q Somewhere between 9:00 and 9:30?

25 A Yes.

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1 Q Did you discuss what had transpired the day before?

2 A Yes. I'm sure that we went over again that
3 and the -- I am quite certain as well that I described the
4 conversations I had had with Poindexter and Casey.

5 Q And what did you all decide to do then?

6 A Actually the next big decision was already made,
7 the A.G. had pretty much resolved in my conversation with
8 him, though I feel certain he confirmed his decision in that
9 morning meeting we had. But he had resolved in our
10 conversation the night before that he was going to go in
11 and talk to the President about the state of the President's,
12 the government's knowledge of the Iran matter and advise
13 him that somebody needed to take responsibility for getting
14 their arms around this matter discerning and collecting
15 the facts as accurately and completely as possible in as short
16 a period of time as possible before some error was made.

17 I can recall very well making the suggestion to
18 him that he do that and that he take the responsibility to do
19 that, and he concurred entirely. I also recall that that
20 was a suggestion concurred in by Brad Reynolds, and I think
21 by John Bolton as well.

22 Q Did you meet that morning, Friday morning with
23 any other senior officials or were they present in any
24 meetings that you attended; that is, senior officials of the
25 Department of Justice?

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1 A I do not think so. I don't know, you know. I
2 have meetings all the time, but they were not meetings that had
3 any particular significance or at least any -- they didn't
4 make an impression on my memory or I would have tried to
5 record them.

6 So I have to think not. I also think that on that
7 particular day there wasn't too much on my plate other than
8 this.

9 Q Do you recall any -- was there any discussion that
10 morning, Friday morning, of the criminal division being used
11 to help with this inquiry, to put these facts together?

12 A I would suspect that there was conversation
13 among the A.G., Brad, John and me about that at this meeting.
14 We did have conversation about it very early on, and I
15 know that the A.G. had a discussion with Bill Webster on
16 that subject very early on in this process, but that is --
17 if we did have it, it would have been in that context.

18 Q Were any of these discussions with anyone from the
19 Criminal Division, in other words, Mr. Weld or any of his
20 deputies?

21 A No, not that I participated in.

22 Q And what if anything did you -- when you did discuss
23 this with the Attorney General and Mr. Reynolds and the people
24 that you mentioned, what was decided regarding the use of
25 criminal division attorneys?

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1 A Well, I don't really recall that -- actually now I
2 guess I should back up because I don't think the conversation
3 was about the use of Criminal Division attorneys. I don't
4 think we had -- the conversation along those lines that I
5 can remember was the use of FBI agents, but I don't recall
6 any specific conversation devoted to Criminal Division
7 attorneys.

8 I guess it is possible, but it would have been, I
9 mean, the same analysis that I associate with the FBI,
10 I guess, would have applied with the Criminal Division
11 attorneys, and that is there is no reason to escalate this
12 matter to such a level at this stage. There is no --
13 we have no evidence of criminal behavior at that point.
14 We basically viewed it as a continuation of the counseling
15 function that we had begun actually prior to Poindexter's
16 meeting, but certainly the counseling function of which
17 that meeting was a part, the same thing lawyers would do
18 for their clients at any time that they would, you know,
19 detect a divergence in their account of factual matters.

20 Q Were you aware of any request by the Criminal
21 Division to become involved in this process before, shall
22 we say, November 25, 1986?

23 A November 25 was --

24 Q The day they announced the diversion, the Attorney
25 General had his press conference.

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6-13

125

1 A No, I don't recall anyone having requested to be
2 in on this. The earliest I can recall there having been
3 perhaps me having had a conversation with people from the
4 Criminal Division was on the 25th almost immediately after
5 the press briefing, but I guess it is entirely conceivable
6 that there was conversation before that.

7 I certainly don't think I participated in such
8 conversation, and I am certain -- well, certain
9 as I can be at this point -- that I didn't participate in
10 any conversation on Friday with people from the Criminal
11 Division. I did not understand that they had even an
12 inkling that this matter was going forward except to the
13 extent that the A.G. outlined it to Bill Webster, but
14 there was --in fact, at the time I met with the A.G., there
15 was only the A.G. and me who knew the course of action
16 that we had resolved to pursue.

17 Q If I could then broaden my question to include
18 the Iranian arms sales issue in general, not the specific
19 discrepancy in the testimony, but the arms sale in general
20 and ask my question again; to your knowledge, did you
21 discuss with or did anyone from the Criminal Division
22 bring this to your attention and ask to participate in any
23 investigation regarding the Iranian arms sales prior to
24 November 25?

25 A Well, it is hard for me to -- I don't think my

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6-14

126

1 answer changes with respect to prior to November 25.

2 Q Okay.

3 A It doesn't change at all with respect to Friday,
4 November 21st, because there wasn't a general concern about
5 the Iran arms sale matter that was kind of abroad in the
6 department as being something that was for criminal
7 investigation.

8 The only thing that inspired me and, therefore,
9 in turn the A.G. to engage in this fact-gathering was the
10 discrepancy, so if it is separated from the discrepancy
11 that was detected on Thursday, late Thursday there is
12 really -- I don't know of anything that gives rise to a
13 suggestion or a hint that criminal should have been involved
14 in some way, let alone that the FBI should have been involved
15 in some way.

16 Q Okay.

17 A In other words, the discrepancy is the thing that
18 suggested to me that we should be involved in some way.
19 The A.G. should be involved beyond the role that we were then
20 playing.

21 MR. LEON: Was he going to recommend to the
22 President -- was it your understanding that before he met
23 with the President on Friday morning, he, the A.G., would
24 recommend to the President that he, the A.G., do an
25 investigation?

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1 THE WITNESS: Oh, yes, that was my understanding.

2 MR. LEON: Okay. But not a criminal investigation?

3 THE WITNESS: He was going to offer his services
4 essentially to address what appeared to be a very serious
5 need for somebody to take responsibility.

6 MR. LEON: But he was not going to suggest a
7 criminal investigation?

8 THE WITNESS: Oh, no, no, no. You know, I mean
9 on what basis would the A.G. have suggested, Mr. President,
10 we are going to investigate -- he wouldn't ask the President
11 for permission on such a deal as that or suggested this
12 course of action, but on what basis would he have
13 suggested to the President we are going to send in the
14 FBI agents and investigate criminally your White House?

15 We had no basis for such a thing as that.

16 BY MS. NAUGHTON:

17 Q Do you know when the Attorney General spoke to the
18 President that morning?

19 A Well, I understand that it was in the neighborhood
20 of 11:30. It was the President and Regan.

21 Q To your knowledge, Mr. REgan was present?

22 A That is my understanding, yes.

23 Q Did the Attorney General tell you that the President
24 had given him any information regarding the 1985 shipments?

25 A I just don't recall that he did. I would have to

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UNCLASSIFIED

6-16

128

1 suspect that he didn't because that would be information
2 that I should think would stick in my mind and I don't think
3 he did.

4 Q Did the Attorney General -- you told us last time
5 that the Attorney General said the President was surprised
6 that there were pre-finding shipments.

7 A I did?

8 Q That is what my notes indicate. I want to make
9 sure whether or not he said that to you or what your exact
10 recollection was at that time.

11 MR. LEON: Do you remember which day he said it?

12 MS. NAUGHTON: No.

13 THE WITNESS: My recollection was better then than
14 it is now, because I don't recall that. I do recall, however,
15 that he was surprised and then some when the A.G. outlined
16 the contra diversion to him, but I don't presently have a
17 recollection that he was surprised about pre-January arms
18 shipments.

19 BY MS. NAUGHTON:

20 Q Did you ever discuss whether or not you should
21 just ask the President whether he had authorized the 1985
22 shipments?

23 A I am -- it seems likely that we did. I don't have
24 a specific recollection for having done so, but to the
25 extent we discussed it, I imagine that we in the circumstances
wanted to know the answer to it or at least have examined

UNCLASSIFIED

6-17

UNCLASSIFIED

129

1 everybody who might know the answer to that before we
2 talked about it with the President.

3 This is against a backdrop in which -- all of this
4 actually proceeds against the backdrop of the November 19
5 press conference that had a very upsetting effect on the A.G.
6 and I think on anyone who had anything to do with the Iran
7 matter.

8 MR. LEON: Why?

9 THE WITNESS: Well, because the President did not
10 appear to have been as well-briefed and did not appear to
11 have -- have had his recollection reflected as thoroughly as
12 I think many of us thought he should have been before he
13 was put out to do a hastily organized and scheduled press
14 conference.

15 So I do know that that was part; that was among
16 the reasons that the A.G. thought it important for him to
17 stay behind from Westpoint and to participate in this
18 meeting with Poindexter.

19 Undoubtedly, it weighed heavily as well in his
20 mind about the need as it did in mine; the need for somebody
21 to take responsibility for gathering thoroughly and accurately
22 as possible the background of this whole thing.

23 I say that by way of trying to give you a flavor to
24 the extent that I can for the undertaking that we were pursuing.

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6-18

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130

BY MS. NAUGHTON:

Q Okay. Did you have a meeting around lunch time that day on Friday to then decide what your plan of action was going to be?

A Yes, I do show a lunch here and that comports with my general recollection that we did have a lunch after the A.G. returned. I have down here that John Bolton was present for that lunch. I, however, have a question mark on it.

I do know that on that date John was listening to Casey's testimony, but whether or not, John, you actually attended that lunch or not, I just don't recall entirely, but the A.G. and John Richardson and Brad and I did have lunch on that day.

Q And what did you decide to do?

A We -- well, the A.G. reported the fact that the President did entirely agree with the Attorney General ^{and} ~~that~~ understands the circumstances that he, the attorney, ^{general} should indeed take responsibility for trying to get his arms around this matter and to find out the facts and hopefully to report them to the President by Monday at 2 o'clock and an NSPG meeting had been scheduled prior to the time that the A.G. met with the President to discuss the Iran matter. So the President wanted to be briefed by the A.G. before that NSPG meeting if at all possible on the background of the

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UNCLASSIFIED

131

6-19

1 Iran initiative. So we obviously knew that we would have to
2 do this on a very expedited basis, but I don't think that that
3 schedule was something that had occurred to us.

4 Q Was there any discussion during that meeting or
5 any other that day regarding whether some of the TOWs had
6 been diverted to the contras?

7 A Some of the TOWs?

8 Q Yes.

9 A No, I do not recall any discussion of that kind.

10 Q Okay.

11 A I don't recall the contras having been introduced
12 into my consciousness on this until lunch at the old ^{Ebbitt} ~~Bar~~
13 Grill on Saturday.

14 Q How was the McFarland^e interview setup?

15 A The A.G. set it up. As I understood it, he called
16 McFarland^e and asked him to come in and chat with us. He
17 explained to him that the President had commissioned him
18 to do this and asked him to come in and chat with us and
19 McFarland^e did.

20 Q Was Mr. McFarland^e alone when you interviewed him?

21 A He was.

22 Q Did he mention whether or not he had retained
23 counsel at this point or had counsel -- or had consulted with
24 an attorney?

25 A I do not recall him having made any mention of it.

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1 And I think I would recall that. I think my notes would
2 reflect that and if they are not reflected in my notes, I
3 would have to conclude he did not.

4 Q Would you mark this next in order?

5 (The document referred to was marked as Exhibit
6 CJC -16 for identification.)

7 BY MS. NAUGHTON:

8 Q CJC 16 is before you now, Mr. Cooper, entitled
9 CJC notes of discussion among McFarland, A.G. Meese, and
10 CJC dated November 21, 1984. This appears to be a typed,
11 but incomplete document of the McFarland interview; is that
12 correct?

13 A That is an accurate description.

14 Q Can you explain to us why it is incomplete?

15 A Well, it is very simple. I simply didn't have
16 time to complete it. I had begun this process with the idea
17 that at the end of each interview I would use my notes and
18 dictate a memo like this one regarding the interview itself.

19 I started that process, but events kind of swept
20 over me.

21 Q Was the information on it accurate to the best of
22 your recollection?

23 A On this?

24 Q Yes.

25 A Yes, I think so because I did dictate this that

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1 evening in fact and some of it the following morning.

2 MS. NAUGHTON: The next document is CJC-17.

3 (The document referred to was marked as Exhibit
4 CJC-17 for identification.)

5 BY MS. NAUGHTON:

6 Q I am showing you what are handwritten notes of that
7 McFarland^e interview, and ask you if those are the notes you
8 took during that interview?

9 A They certainly appear to be. I don't remember
10 off-hand how many pages my notes on that interview comprised
11 but I certainly don't notice any omissions.

12 Q For the record the numbers appearing on the top
13 right-hand corner are 3093 through 3099.

14 They appear to be cut off at the bottom of page 2
15 and page 4. I would ask you whether or not you have a more
16 complete set in your possession.

17 A Well, mine are cut off as well. I have copies as do
18 you. The CIA -- the FBI has the originals, so I can't --
19 whether mine are superior to yours, all I can do is take a quick
20 look. Yes, my page 1 is considerably superior to yours.
21 I have two, three lines that you do not have. I also have a
22 line that you do not have on page 2, the same for page 3,
23 and -- actually yours is better than mine on page 3096. In
24 fact, I remember when I penciled this in. It was because you
25 advised me that that is what that said.

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6-22

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UNCLASSIFIED

134

1 Yours is better than mine on page 3097 and
2 better as well on 3098. That is the end of it. So I will
3 trade you my good ones if you give me yours.

4 MS. NAUGHTON: Why don't we go off the record for
5 a minute.

6 (Discussion held off the record.)

7 MS. NAUGHTON: Back on the record.

8 BY MS. NAUGHTON:

9 Q I gather when you interviewed Mr. McFarlane
10 you went basically through a chronology of how the Iran
11 arms sales began and what transpired during 1985 and 1986;
12 is that right?

13 A Yes.

14 Q Did Mr. McFarlane mention the November 1985
15 shipment regarding -- in other words his knowledge of whether
16 they were Hawks or not?

17 A He did. Without my notes, I just -- have you got
18 another copy of McFarlane's --

19 MR. LEON: Why don't you use mine?

20 THE WITNESS: There was conversation that we had with
21 him on this subject and my notes really are the best recorded
22 recollection, I guess, that there is of that fact, and I
23 do not -- I am happy to review those notes to see if I can
24 supplement it with my independent memory, but here on the
25 third page of my notes is a discussion of the November Hawk

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1 episode.

2 BY MS. NAUGHTON:

3 Q What did Mr. McFarland^e tell you about whether he
4 knew they were Hawks in November 1985?

5 A He, by implication, told us he did not know
6 because he said he thinks he first learned of it when he
7 was briefed for his trip to Iran in May. He then described
8 an episode or an event that took place while he was at Geneva
9 during November 16 or 17 at the Summit and he did not suggest
10 that in fact the strong implication is that he did not
11 understand that there were Hawks on ^{board} ~~Board~~.

12 He says he learned that Israel had shipped oil
13 equipment in fact. That is what he reported to us.

14 Q And did Mr. McFarland^e tell you that some of the
15 money had been diverted to the contras from the Iran arms
16 deal?

17 A No, there was no mention of the contras or any
18 diversion of any kind.

19 Q Did Mr. McFarland^e indicate to you that Oliver
20 North had ^{indicated} ~~inciated~~ to him that he may be shredding some
21 documents involving either the contras or the Iranian arms
22 deal?

23 A No, he did not.

end #6 bap
#7 fls.

24

25

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Stein 3:00
take 7
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UNCLASSIFIED

136

1 Q Did he indicate to you whether any documents
2 involving either -- well, at this point I guess the Iranian
3 arms sale -- had been destroyed in the normal course of
4 business at the National Security Council?

5 A No. I don't recall there having been any conversa-
6 tion about that at all, either by a question that we asked
7 or any information that he volunteered. There was just no
8 discussion of documents that I can recall.

9 Q Was he asked to provide any documents to you or to
10 the Attorney General?

11 A I do recall him saying that the only thing he had
12 was his phone logs. I do believe he said that, and I
13 believe that the AG asked him if it became necessary for him
14 to have them, would he provide them, and I think he said
15 of course.

16 MS. NAUGHTON: Could we go off the record for a
17 minute?

18 (Discussion off the record.)

19 MS. NAUGHTON: Back on the record.

20 For the record, CJC-17, we have interspersed the
21 better copies from Mr. Cooper's records into what we
22 previously had, so we hope that this is the best copy in
23 terms of most complete version of his notes.

24 THE WITNESS: And the way to discern that with
25 certainty is that the replacement pages do not bear a number

UNCLASSIFIED

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137

jm 2

1 as did the others, right?

2 BY MS. NAUGHTON:

3 Q Very good. Yes, that is correct.

4 Was there any discussion during the McFarlane
5 interview of whether or not the President could make an
6 oral finding.

7 A Before I answer that question, do you not want to
8 replace your top page with one of mine, because I see that
9 mine is much better by three full lines, not that those are
10 important lines, but---

11 Q I think I have yours.

12 Oh, that is yours.

13 (Discussion off the record.)

14 BY MS. NAUGHTON:

15 Q We are back on the record,

16 The new page 1 has been inserted and on the page
17 labeled 3096, that the word "not" should be inserted.

18 If you could explain, Mr. Cooper---

19 A That is on page 3096?

20 With respect to the line that begins "December 7,
21 McFarlane said we should," and then there is a cross out --
22 "provide arms, no talk, re problem with arms already given
23 By Israel."

24 Now, I don't know what is under that cross out,
25 but I do know that the statement McFarlane said we should

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jm 3

138

1 provide arms is inaccurate by my independent recollection,
2 I can state what McFarlane said was that he maintained that
3 he had said we should not provide arms.

4 And so I am now changing on the official
5 exhibit---

6 MS. BENSON: Before you do that, could we go off
7 just a second?

8 MS. NAUGHTON: Yes.

9 (Discussion off the record.)

10 BY MS. NAUGHTON:

11 Q Mr. McFarlane said he would provide you with his
12 phone logs. Did he say that he would provide any other
13 documents?

14 A No. I think that -- my recollection is that
15 McFarlane identified phone logs as the only documents that
16 he had that related to his time in the White House, let alone
17 to the Iranian initiative. He did, however, as I recall it,
18 suggest that he would be entirely willing to provide us his
19 phone logs if we requested them.

20 Q I asked you earlier if there was any discussion
21 regarding an oral finding being possible on the part of the
22 President during this meeting. Do you recall any discussion
23 of that topic?

24 A I recall generally having conversation about
25 oral findings, yes.

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UNCLASSIFIED

139

jm 4

1 Q With Mr. McFarlane?

2 A Oh, no. I do not recall any discussion at all
3 with Mr. McFarlane about oral findings.

4 Q Do you know whether or not the Attorney General
5 and Mr. McFarlane had discussed, on this occasion, oral
6 findings?

7 A No. Certainly not during the time that I was
8 present, which was all but a fleeting period of time.

9 Q When the interview was over, did Mr. McFarlane
10 and the Attorney General have an opportunity to speak to
11 each other outside your presence?

12 A Yes. As the meeting concluded and Mr. McFarlane
13 and I were exiting, the AG's office, more or less all of
14 us together, he -- he was completely outside the offices,
15 both of us were, and he kind of turned around and went back
16 into the AG's office with the AG. I did not accompany
17 him, however.

18 Q How long did that last?

19 A My recollection or understanding is that it was
20 very momentary; and my impression was that, frankly, that
21 McFarlane wanted to say something that was not in my presence.

22 Q Did the Attorney General tell you later what Mr.
23 McFarlane had told him?

24 A My recollection is that he did advise me that
25 McFarlane told him something to the effect that he was trying

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140

jm 5

1 to -- I don't think the words, "protect the President"
2 were used, but that was the essential theme of what it
3 was that I understood McFarlane said to the AG. And the AG
4 further told me that he had reiterated what the AG has told
5 McFarlane at the beginning of our conversation, which was
6 that the best protection that the President could have right
7 now is that all these facts without distortion, without
8 omission, be brought forward and gathered accurately and
9 completely, and that the worst possible thing was that
10 the way to damage the President was to provide evidence or
11 any credibility to the claim that the Administration is
12 trying to cover up anything.

13 Q Did the Attorney General tell you whether or not
14 they had discussed or he had mentioned to Mr. McFarlane
15 the possibility that an oral finding ever had been made?

16 A No. I do not recall any such mention of an oral
17 finding, that I rather think I would remember if there
18 had been conversation between the two of them about the
19 oral finding.

20 Q After Mr. McFarlane left, what did you do?

21 A Well, this was also after I had this short con-
22 versation with the Attorney General in which he related to
23 me, the equally short conversation that he had with McFarlane
24 outside my presence. I went back to my office, and first
25 of all, I guess I undertook to dictate my notes, I began

UNCLASSIFIED

UNCLASSIFIED

141

jm 6

1 that process, I am sure.

2 I also embarked upon an effort to secure access
3 to [REDACTED] for John McGinnis that evening. That was
4 a very time-consuming effort, I should also add. It was
5 very difficult for us to get a hold of people [REDACTED]
6 and to get all the hoops jumped through that we had to jump
7 through in order to get there that evening, which is something
8 I wanted very much^{to} accomplish.

9 Q After Mr. McFarlane left, did you and the Attorney
10 General discuss the interview with him?

11 A Ever so briefly, ever so briefly; just some general
12 impressions.

13 Q What did the Attorney General say?

14 A I remember us discussing the particular exchange
15 that McFarlane and I had had, which is not reflected in
16 these notes. I did not take notes as I hadⁱⁿ this exchange.

17 But at the -- towards the end of our conversation,
18 McFarlane -- McFarlane throughout the conversation had said
19 that he opposed arms to Iran consistently while he was
20 National Security Adviser. And you will note in my notes
21 several places, including the place where I added the "not,"
22 in which he maintained that proposition.

23 At the end^{of} it I asked him if this had been his
24 position within the Administration consistently and throughout
25 why he had, the day before, the day before we had our little

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142

1 meeting, made a public speech in which I had assumed responsi-
 2 bility on his own shoulders personally for the whole arms
 3 to Iran initiative. It did not seem like -- that did not
 4 seem like the act of a man who had counseled subsequently
 5 against trading arms to Iran. And he responded that he --
 6 that he felt if he had just done more, if he had just been
 7 firmer in his opposition or in his ~~assistance~~^{insistence}, perhaps
 8 this never would have gotten started, and ever would have
 9 turned into such an explosive and controversial event that
 10 is obviously damaging the President...blah, blah, blah.

11 I did not then regard that as a persuasive
 12 explanation, but I do recall that the A.G. and I had
 13 a conversation which he acknowledged that that seemed to
 14 kind of punctuate a sentence that he had that Mr. McFarland^e
 15 was not at ease and that he was probably not entirely forth-
 16 coming with us, and that squared entirely with my own
 17 impression of the interview.

18 Q Do you know what the Attorney General did after
 19 the meeting with McFarland^e?

20 A I guess he went home, but I do understand that at
 21 some point that day and after he had received his commission
 22 from the President he talked to Shultz about interviewing
 23 him, and I kind of suspect -- I think that he had that
 24 conversation after we had talked with McFarland^e.

25 But beyond that I can't tell you what he did. I
 mean I just am sure he prepared himself and things of this

UNCLASSIFIED

UNCLASSIFIED

143

1 nature.

2 Q Did the attorney general make the arrangements
3 for Mr. Richardson and Mr. Reynolds to go to the White
4 House the next day, or did you or someone else?

5 A The Attorney General, I do know and understand,
6 talked to Poindexter that afternoon and advised him of the
7 President's directions to the A.G. and told him we would
8 obviously want in due time to talk with him, but also we
9 intended to review all documents in the NSC that pertain to
10 this Iran initiative and would he undertake to gather
11 them and make them available.

12 Now, there is some uncertainty in my own mind as
13 well as evidently in the minds of others who were there on
14 the A.G.'s team as to who may have been in touch with Paul
15 Thompson because the A.G. and Poindexter identified Thompson
16 and Richardson as the coordinate points of contact. I do
17 not recall having called Paul on Friday to tell him that he
18 should, you know, gather the documents or whatever, but --
19 nor do I recall having talked to him on Saturday morning
20 and having handed the phone to John Richardson, which is what
21 I understand is John's recollection.

22 But those things may well have happened. I do
23 not have a recollection that they did, however. But in any
24 event, somebody talked to Paul Thompson to make arrangements
25 for John and Brad to come to the proper office in the NSC

UNCLASSIFIED

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144

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1 and review all the documents.

2 Q Were you present when the Attorney General made that
3 call to John Poindexter?

4 A No, I don't think that I was.

5 Q To your knowledge had anybody at the White House been
6 told prior to the call to John Poindexter to expect a team
7 from Justice to arrive and to get their documents together?

8 A No. I have no knowledge that any such communication
9 was made. But I can state with some confidence that there
10 was no such communication emanating from me to that effect.

11 Q By the way, if I can skip back for a minute, when
12 the Attorney General told you that he had met with the
13 President and Mr. Regan, did he tell you he had met with
14 anyone else at the White House either before, during or
15 after that meeting?

16 A I don't recall him having mentioned that he
17 met with anybody else. It is entirely possible, I suspect,
18 but the meeting that had relevance to me and that was
19 reported to me was that he met with the President and Regan.

20 Q Did anything else of any consequence happen Friday,
21 either late afternoon or evening, that you can recall?

22 A No. As I say, I [REDACTED]
23 [REDACTED] and expended a lot of effort trying to get John McGinnis
24 over [REDACTED] He did ultimately
25 get to do that and spent practically the whole night over

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45

1 there.

2 MR. LEON: Can we go off the record for a second?

3 (Discussion held off the record.)

4 MS. NAUGHTON: We are back on the record.

5 THE WITNESS: Let me back-track a minute,

6 because the point I was making about John ~~10:15~~ over to

7 [REDACTED]
8 [REDACTED] idea for doing that was -- did not come to us

9 until John Bolton had heard and reported on Casey's
10 testimony, at which time at least that was the first time
11 I can recall any of us realized there were [REDACTED]

12 that relate to this matter [REDACTED]

13 Apparently ~~Num~~, in questioning Casey, had made
14 reference [REDACTED] and upon John's reporting that
15 facts we resolved we would have to have access to them as
16 we will for our purposes.

17 BY MS. NAUGHTON:

18 Q Saturday morning, November 22nd, do you recall
19 when you arrived at the Department of Justice?

20 A When I arrived there -- I would suspect that --
21 actually I don't recall whether I went to the Department of
22 Justice before I went over to the State Department or after
23 or I went straight to the State Department from home.

24 Q Okay. At any rate the meeting with Secretary
25 Shultz and the Attorney General was at the State Department?

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1 A Yes, it was in Shultz' office.

2 Q Do you know the approximate time of that?

3 A Approximately 8:00 to 9:00. Shultz apparently
4 told the A.G., if we wanted to catch him we had to catch
5 him at that time because he was going out of town or
6 leaving the country or something later on that day.

7 Q And who was with Secretary Shultz?

8 A A gentleman by the name of Charles Hill.

9 Q Was that it, then?

10 A There were just four people in that meeting.

11 MS. NAUGHTON: If I could have this marked as
12 CJC-18, please.

13 (The document referred to was marked as Exhibit
14 CJC-18 for identification.)

15 BY MS. NAUGHTON:

16 Q I am showing you now what has been marked as
17 CJC-18, notations dated 11-22-86, document Number 3100
18 through -- they are all 3100, and they all pertain to
19 notations of your interview with Secretary Shultz; is that
20 correct?

21 A That is correct.

22 Q Were these notes contemporaneously taken with
23 the interview?

24 A They were, although your exhibit does not have all
25 of the notes. It is deficient by several pages.

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147

1 MR. LEON: How many pages do you have in yours?

2 THE WITNESS: I have five pages. This document
3 has three pages, only one of which comes from my notes.

4 (Discussion held off the record.)

5 MS. NAUGHTON: Back on the record. Let the
6 record reflect that we have -- I believe -- a whole set of
7 your notes from the Shultz interview marked CJC Exhibit
8 Number 18.

9 THE WITNESS: Which comprise page numbers 3100
10 to 3104.

11 BY MS. NAUGHTON:

12 Q Do these notes reflect to the best of your
13 knowledge, are they accurate reflections of what Secretary
14 Shultz and Mr. Hill had to say to you in
15 that meeting?

16 A Yes, to the best of my recollection.

17 Q If you could sum up for us what it is that
18 Secretary Shultz and Mr. Hill had to say particularly about
19 the November 1985 Hawk shipment.

20 A Well, Shultz and Hill recalled the November 18
21 discussion with McFarlane^e and related it to me, to the A.G.
22 and me in a way that was quite subsequent with what Abe
23 Sofaer had told me; that McFarlane^e had come to George Shultz
24 to make him aware of the fact that a shipment -- a
25 transaction was then in the offing that would have as

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UNCLASSIFIED

149

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1 elements a transfer of Hawk missiles to the Iranians from
2 the Israelis through [REDACTED] and that -- that that transfer
3 would be accompanied by the release of Americans held
4 hostage.

5 Q So it was basically a perspective narrative;
6 that is, he is telling them what is about to happen; is
7 that correct?

8 A Yes.

9 Q He was not telling Secretary Shultz that this
10 had happened?

11 A That was my understanding.

12 Q What was Secretary Shultz' reaction to what
13 Mr. McFarlane had told him?

14 A He advised us, the A.G. and me, that his reaction
15 was very negative; that he thought it was a bad idea; that
16 it wouldn't work. He advised us that he basically understood
17 that -- the impression he got was that he was ^{not} being
18 consulted on the matter, was being made aware of the
19 transaction in the offing, but was not being consulted for
20 an approval of the transaction; that it was a matter that
21 had already been approved and set in motion.

22 So that was his reaction as far as he advised us.

23 Q Did you get a sense of how definite he was he had
24 been told this? In other words, was his memory faint or
25 was he fairly emphatic about what he remembered?

UNCLASSIFIED

UNCLASSIFIED

bap

149

1 A No, I did not other than the precision of peripheral
2 details. I found that he did not -- he seemed quite confident
3 of his recollection of it and Mr. Hill seemed quite
4 confident as well of his recollection of the phone call.

5 Actually, the portrayal of the event that they
6 shared with us then was that McFarlane² had come to see
7 Shultz. The note itself, however, suggested that the
8 information was imparted to Shultz through a secure phone
9 call and to this day I don't know which happened, although the
10 contemporaneous note Hill subsequently advised me suggested
11 it was a secure phone call.

12 But except for details such as that, there did
13 not seem to me to be any lack of confidence in either of their
14 ~~names~~ ^{memos} regarding the information imparted.

15 Q At that point, did Mr. Hill actually produce his
16 notes for you?

17 A He did not produce his notes at that point, no.

18 Q Did you ask him to produce the notes?

19 A Either the A.G. or I made it clear that we would
20 like to see a copy of the note itself.

21 Q Was there reluctance on Mr. Hill's part to produce
22 the notes?

23 A He agreed readily, but I had been-- at that point
24 I had talked to Sofaer a couple of times in an effort to get a
25 copy of the note, and I had been given to understand there was

UNCLASSIFIED

UNCLASSIFIED

150

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1 some reluctance. Hill regarded these as his personal notes,
2 not his official State Department documents, and he did not
3 want to, as I understood it, did not want to prejudice
4 their status as personal notes. But in the end he did two
5 things. First, he read to me the note over the phone
6 on Sunday. I think it was Sunday morning, and I took it
7 down verbatim, and you have a copy of that verbatim note that
8 I took down. And secondly, not too long thereafter, and I
9 should think it was Monday, he gave me a copy of the note
10 page itself.

11 MS. NAUGHTON: If we can go off the record for
12 one minute.

#7 fls 13 (Discussion held off the record.)

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UNCLASSIFIED

151

1 MS. NAUGHTON: If we can go back on the record.
2 If the reporter would mark this next in order CJC-19, please.
3 (Exhibit No. CJC-19 was marked for identification.)
4 MS. NAUGHTON: And mark this document CJC-20,
5 please.

6 (Exhibit No. CJC-20 was marked for identification.)
7 BY MS. NAUGHTON:

8 Q Now, Mr. Cooper, directing your attention to number
9 19, which starts out "secure phone call, N-GS, in Geneva from
10 one hotel to another." Are these notes you took of what Mr.
11 Hill told you over the phone on Sunday, November 23?

12 A They are the notes I took regarding a conversation
13 with Hill that was a telephone conversation. I can't say with
14 absolute certainty it was Sunday, but that is certainly my
15 best recollection.

16 Q And did you take down what he was saying verbatim
17 or are these your interpretations of what he was saying?

18 A No, this is as close to verbatim as I could get.
19 With respect to the body of the note here, that is the material
20 underneath November 18, (1803). I recall having asked him to
21 slow down a couple of times so I could get it verbatim.

22 Q And then referring to Exhibit No. 20, which has
23 in the upper right corner, document production number J-7438
24 and the date in the left hand corner, 11/18. Is this the
25 note, copy of the note that Mr. Hill actually gave to you?

UNCLASSIFIED

UNCLASSIFIED

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1 A Certainly looks like it.

2 Q And he would have given you this on November 24,
3 is that correct? Monday, November 24?

4 A I think that is when he did, yes. I went out and
5 had a short interview with Hill and Sofaer, on the morning
6 of Monday.

7 Q Okay.

8 A I would note, however, that my note of my conversa-
9 tion with Hill and the actual note, that is CJC No. 20, that
10 Hill took of the actual McFarlane to Shultz conversation, are
11 not precisely identical in terms of the information they
12 have. My last term, my last phrase in my note is

13 and here is the difference,

14
15 I would have to see my version of this note in
16 my files to be confident that this little addition at the
17 tail end of [REDACTED] was reflected on mine as well
18 that I received on Monday as well. But it is obviously not
19 something that Mr. Hill said to me over the phone because
20 I took down everything he said to me over the phone.

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23
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153

MS. NAUGHTON: Would you mark this as 21, please?
(Exhibit No. CJC-21 was marked for identification.

MS. NAUGHTON: Back on the record.

BY MS. NAUGHTON:

Q We are showing you what is marked CJC Exhibit No. 21, which appears to be your notes of an interview with Stanley Sporkin on November 22, 1986. Is that correct?

A That is correct.

Q And were these notes contemporaneously taken with your interview?

A They were.

Q Are they accurate to the best of your knowledge?

A They are.

Q Do you recall when this meeting with Mr. Sporkin was? That was whether it was in the morning of the 22nd or in the afternoon?

A I should note that the last page of this exhibit contains a document that does not relate to my conversations with Mr. Sporkin and is numbered 3108.

Q Why don't you remove that then from your packet?

A All right.

Now, the entire exhibit relates to my conversation with Stanley Sporkin.

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MR. BOLTON: And bears document identification

82-700 153

UNCLASSIFIED

154

document numbers 3105, 3106, and 3107.

THE WITNESS: What is your question again? I am sorry.

BY MS. NAUGHTON:

Q My question was whether this interview took place in the morning of the 22nd or the afternoon?

A This interview took place, to the best of my recollection, afternoon, after lunch actually. That is my recollection and it is my recollection that -- my recollection is supported by my chronology. So, when my recollection was fresher that it is today, that was my recollection as well.

Q Does it help your recollection to point out that during the lunch of course the diversion memo was discussed. In other words, that some of the Iran arms money may have gone to the contras. It is noticable I think in your interview with Mr. Sporkin that nothing is mentioned about that in this interview.

Is there a reason he wasn't asked about it, or rather, would it lead us to doubt whether or not the interview was in the afternoon as opposed to in the morning?

A No, it doesn't lead me to doubt it. I do not recall Sporkin as having been asked about it. In fact, the only person who was asked about this after we had discussed this matter at the Old Ebbett Grill, was North, at least in any meeting that I was participating.

Sporkin -- I don't recall whether we actually

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155

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1 discussed that we whether we would ask him about that or not,
2 but we may well have. That is, the Attorney General and
3 myself. But at all events, I don't think he is somebody
4 we would have expected to have any knowledge whatsoever about
5 that because he had become a judge several months before
6 any diversion would have taken place. So he just was not,
7 as I reconstruct this -- because I don't have any recollection
8 whether we actually discussed whether we would ask him or not
9 -- but as I reconstruct this, I see that this would not be
10 something that I would expect him to have any knowledge of.

11 MR. BENSON: Do you recall when he became a judge?

12 MR. BOLTON: He was confirmed in December '85.

13 When he was ^{sworn} ~~seen~~ in, I don't know.

14 BY MS. NAUGHTON:

15 Q Did you know that at the time when he assumed the
16 bench?

17 A Well, I don't remember whether I knew that prior
18 to the time I talked to him, but I certainly knew it after
19 the time we talked to him, because he told us the dates he
20 was in government and when he was out. It was quite clear
21 that he was out, that his involvement in this was by the time
22 we had canvassed it he was just nowhere close to the contra
23 diversion, at least the time period in which the diversion
24 was --

25 MR. LEON: It was an undated memo?

UNCLASSIFIED

UNCLASSIFIED

156

THE WITNESS: It was an undated memo, yes, but it contained dated items of reference and one can identify its date. I think it is May actually. I think it is May. I don't recall precisely what the dates are or the terms of reference, but --

MR. LEON: It was read in April.

THE WITNESS: The memo?

MR. LEON: Yes.

THE WITNESS: In any event, this document reflects that we did not ask him about the contra diversion. It definitely reflects, it would have reflected if we had asked him about the contra diversion, and that does not shake in the least my recollection that we talked to Sporkin after lunch rather than before.

BY MS. NAUGHTON:

Q Then in that case, do you recall when the lunch took place?

A My recollection is that the lunch took place as I have here, from 12:30 to 1:45.

Q And you interviewed Mr. Sporkin then say sometime around 2?

A Yes.

Q Then, let's go to the luncheon first. Had you agreed with Mr. Reynolds and Mr. Richardson ^{who} were at the NSC reviewing documents on the morning of the 22nd, to meet

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157

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1 them at a particular time and place for lunch?

2 A I thought that is what we had done. I do not
3 believe that I called them to say, why don't you meet us at
4 Old Ebbetts Grill or anything, I think this was all
5 pre-determined.

6 Q And when you got to Old Ebbetts Grill, were they
7 already there or did you wait for them?

8 A I will be darned if I recall. I just don't know
9 whether they were there or whether they joined us. It seems
10 to me we went to a table all together so maybe they were there
11 or came in virtually contemporaneously with us.

12 Q Do you recall what you started discussing once you
13 were all together?

14 A Probably --

15 MR. BOLTON: In what order.

16 THE WITNESS: Many things. With respect to this
17 matter, I don't recall particularly except I am sure that
18 the AG and/or I related to them that we had met with Shultz
19 and that, yes, he had confirmed the note and the conversation
20 and probably whatever else was important and noteworthy about
21 the conversation we had with Shultz, we probably relayed it
22 to them.

23 At some point during that conversation Brad made
24 known, of course, that he had come across a memorandum which
25 contained a reference to funding the Nicaraguan resistance.

UNCLASSIFIED

UNCLASSIFIED

158

74

1 Q When you said "Brad", you mean Brad Reynolds?

2 A Brad Reynolds.

3 Q Can you tell us exactly what he told us to the best
4 of your recollection?

5 A Just that in his review of documents he had come
6 across a document that contained a reference to a diversion of
7 some of the profits from the arms transactions and I think he
8 probably suggested the figure which my recollection is was in
9 the neighborhood of \$12 million, or something like that, but
10 a diversion of profits from the -- generated by the arms sales
11 to the Nicaraguan resistance.

12 Q Did he tell you what this document purported to be,
13 that is, did he tell you that it looked to be a memorandum to
14 a certain person from a certain person, or these were simply
15 sketches by someone, or did he describe it in any more
16 detail?

17 A I think that he probably did describe it further,
18 yes. I don't recall specifically how he described it, but
19 you have the memo and I have, of course, seen the memo since
20 then, and I can't -- to the extent he did describe it, I am
21 sure he described it in a way that is consistent with the
22 reality of it and I did not understand at our lunch that it
23 had a particular addressee, for example. That, I did not
24 understand particularly. I did not understand that the
25 President was the addressee.

UNCLASSIFIED

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159

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1 Q Did he know who the author was?

2 A Well, I don't recall there having been any
3 statements made by him with respect to its authorship,
4 although there was likely to have been some speculation that
5 it was authored by North.

6 Q In other words, speculation was during the lunch?

7 A I am saying that seems to me like it was a likely
8 topic of conversation -- who authored the memo.

9 Q When he first raised the subject of what he had
10 found in this memo what was your response?

11 A One of ~~the~~ surprises, and this I think took us all
12 unaware^s as to this being a possibility -- the AG's reaction
13 was one of equally evident surprise, perhaps even more
14 evident in terms of his surprise.

15 I did not immediately appreciate the legal
16 significance of this. I am not sure I still fully appreciate
17 the legal significance of it, but for example, I was not
18 closely acquainted with the requirements of the Boland
19 Amendment or with any appropriations restrictions on aid to
20 the contras, or with the debate that had raged about that.
21 I mean, I was acquainted with it obviously as a member of the
22 public and as a member of the Administration, but this was not
23 something I was immersed in by any stretch.

24 Q When you say the Attorney General was ^{surprised,} ~~described,~~
25 can you please describe his reaction as accurately as you

UNCLASSIFIED

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160

9
1 ~~was~~ could?

2 A Yes, although I hope you don't ask me to do --

3 MR. BOLTON: You may have to classify this.

4 THE WITNESS: -- to do this in public testimony,
5 because I would find it difficult to report my recollection
6 of his reaction, which is that he said, "oh, shit."

7 BY MS. NAUGHTON:

8 Q Anything else?

9 A Nothing that sticks in my mind. Nothing that made
10 an impression on my mind. We did have further conversation
11 about this memo but --

12 Q Was there a discuss^{ion} at that lunch of what to do
13 with the information that was imparted?

14 A If there was, it related to confirming that this
15 eventually took place, something which was obviously not
16 at all certain from the description of the memo that to the
17 best of my recollection, Brad imparted to us.

18 So, the first step was to confirm it and try to
19 figure out what it meant. Aside from the obvious political
20 ramifications that it had if it did take place.

21 Q Did you discuss those?

22 A I don't recall anyone articulating specifically
23 those kinds of points. You know, if it did happen, then I
24 don't think anybody there had any doubt that it would be an
25 extraordinarily politically controversial and explosive

UNCLASSIFIED

UNCLASSIFIED

161

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1 element of this whole thing.

2 Q On the way back from the lunch with the Attorney
3 General, did you have a similar discussion?

4 A The AG and I did drive back together and I do
5 recall as having some conversation where he -- I do recall him
6 expressing concern about the possible use of these monies for
7 the contras, that it was suggested by this memo.

8 Q Specifically do you recall what he said?

9 A I really don't. I just have a general recollection
10 that he made note of that as being a cause for concern if this
11 was accurate and we needed to find out if it was.

12 Q You are speaking about concern now in a political
13 sense?

14 A Yes. I think -- at that point, I think the AG's
15 sensitivity from a legal sense, was greater than my own. His
16 knowledge of and background and association with the Boland
17 Amendment back and forth, was substantial and much more
18 substantial than mine, so I would suspect that he was express-
19 ing a concern that had primarily a political component, but
20 with a recognition that this may have legal implications as
21 well.

22 You are still --

23 He just didn't articulate it clearly, just concern.

24 Q But when you say concern, do you -- did you recall
25 did he say "I am concerned about what Congress will do with

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162

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1 contra aid?

2 I am not quite clear how this concern was imparted
3 about the contra aid.

4 A No, it wasn't -- that was not the impression I
5 got, but he didn't say I am concerned about bla, bla, bla.
6 He said, I am concerned about this reference to contra
7 assistance, not that I am concerned about the political
8 ramifications, or I am concerned that the law may have been
9 violated. Just, I am worried about this reference.

10 Q Did he say why he was worried about the reference?

11 A I do not recall him having articulated particularly
12 why. It is not something that -- I mean it was sufficiently
13 obvious that this was a matter for concern, and for worry,
14 and he may have used the term worry, it would seem more likely
15 that he used that term than he used the term concern, really,
16 to me.

17 But it seemed obviously, he didn't feel it
18 necessary to explain obviously, and I didn't feel it necessary
19 to prob^{le}. This was a worrisome element of all this. That
20 didn't need articulation.

21 Q Once that document had been discovered, and you
22 learned about it at the lunch, was there any discussion of
23 what to do to secure the documents to make sure that they were
24 not shredded or stolen?

25 A No, no, I don't recall any such discussion. We,

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UNCLASSIFIED

163

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1 you know, John and Brad were there making copies of documents
2 and they had identified this document as one they wanted a
3 copy of, so I don't think anybody entertained -- certainly the
4 thought never occurred to me -- that the document, having been
5 identified and reviewed by Brad, that it would somehow
6 disappear.

7 Q So there was no discussion of it?

8 A I don't recall any discussion at all.

9 Q Did Mr. Reynolds or Mr. Richardson tell you that
10 Oliver North was at the White House as they were leaving?

11 A Yes, he did. In fact they did. In fact, they
12 noted that North was positioned during their review of
13 documents in a proximity at a desk that was sufficiently
14 approximate that they could hear him making phone calls and
15 I think they suggested it appeared to them that he wanted
16 them to hear him making phone calls. I don't recall who he
17 was calling.

18 I also recall them suggesting that he had made
19 mention of the fact that he had retained a lawyer.

20 Q He told them that?

21 A He told -- yes, that is my recollection. And just
22 generally he was attempting to at this point, engage them
23 in conversations and to relate to them whatever it is that
24 they wanted him to relate to them. He wanted to talk to them
25 right then.

UNCLASSIFIED

UNCLASSIFIED

164

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1 "Let me tell you about --. Let me give you my
2 story on this right now."

3 That was -- that I can recall them having reported
4 to us.

5 Q Was any decision made then, was it at lunch the
6 decision was made when and where to interview Oliver North?

7 A I don't recall when that decision was made, but
8 I do recall early on conversations devoted to ordering the
9 interviews and I do recall as well that there was general
10 consensus that North should be -- we should discuss this matter
11 with North last after we developed information from other
12 people who had some personal knowledge.

13 MR. BOLTON: Just to clarify one thing on the
14 record. You used the phrase ordering the interviews. Did you
15 mean directing that interviews take place or establish the
16 order in which they would take place?

17 THE WITNESS: The latter.

18 BY MS. NAUGHTON:

19 Q Do you know how the arrangements were made with
20 Oliver North to get him into the interview on Sunday?

21 A My understanding was then and is now, that the
22 Attorney General contacted him and made the arrangements
23 directly.

24 Q Do you know when that was?

25 A I don't know. My best judgment and recollection

UNCLASSIFIED

UNCLASSIFIED

165

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1 on this essentially I guess on this, would be Saturday
2 afternoon, but I just don't know. I do recall that North
3 called to postpone by some relatively brief increment of time
4 his interview with us. I think it was scheduled to take place
5 Sunday around noon or perhaps even Sunday morning, but North
6 evidently contacted the Attorney General and asked if he could
7 come in later, like 1 o'clock or so, and the reason that I
8 recall that, according to the AG, was that North wanted to,
9 in keeping with his usual practice, go to church and have
10 lunch at McDonalds with his family.

11 Q Were you there when any of these calls to North
12 occurred?

13 A I do not believe that I was.

14 Q So this was related to you by whom?

15 A I am sure it would have been the Attorney General.
16 The AG was to the best of my knowledge, making the interview
17 arrangements with all the individuals that ^{were} were interviewing
18 that he was participating in the interview.

19 I made arrangements regarding interviews of people
20 that I either alone or with John McGinnis interviewed, but
21 all the other arrangements, as I recall, were made by the
22 Attorney General.

23 Q Okay.

24 After lunch you met with Mr. Sporkin, correct?

25 A That is my recollection.

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166

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1 Q And you have before you CJC No. 21, your notes of
2 the Sporkin interview, is that correct?

3 A Yes.

4 Q And do these appear to be complete and accurate
5 notes of your interview with him at that time?

6 A They appear to be.

7 Q Could you summarize for us what Mr. Sporkin told
8 you about the November '85 Hawk shipment?

9 A Yes. He related an account of it to the effect that
10 in the immediate aftermath of the shipment, he received a
11 call from McMahon and McMahon was concerned about the shipment
12 and so he sent over two fellows from the OPS division who
13 knew what had happened so that they could outline to Sporkin
14 what had happened and Sporkin could render some legal analysis
15 in connection with it.

16 Sporkin identified Ed ~~Dieter~~ ^{Dieter} as having been
17 with him when these two fellows, ~~whose~~ ^{whose} names he could not
18 remember, came to discuss the matter with him. And the thing
19 that struck me about it was I guess the fellows from the OPS
20 Division, according to Sporkin, told of an arms shipment and
21 transportation that they had played some role in regarding
22 the arms.

23 He could not remember what the arms were. He did
24 not --

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MR. BOLTON: He, being Sporkin?

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167

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1 THE WITNESS: Sporkin.

2 He did not respond when Hawks was suggested to
3 him. It did not jar his memory but he did have a memory
4 that, to the effect that he was advised that there was an
5 arms shipment, not oil-drilling equipment.

6 So in light of that fact, it seemed that some-
7 body in the CIA must have known if they told Sporkin after
8 the fact, they must have known at that time or before the
9 fact that there were Hawks on the plane so that struck me
10 as having particular significance.

11 BY MS. NAUGHTON:

12 Q Did Mr. Sporkin also tell you about the so-called
13 mini-finding of November 26, 1985, which he drafted subse-
14 quent to this revelation?

15 A He did, but he didn't use the term "mini-finding,"
16 to my recollection. That term I did not become introduced
17 to until later in the evening.

18 But he did describe the fact that it was his
19 judgment that a finding was necessary if this kind of
20 matter was going to continue, and so he drafted one up.

21 MS. NAUGHTON: If I could have this marked next
22 in order, please, CJC, I believe, 22.

23 (Exhibit No. CJC-22 was

24 marked for identification.)
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1 BY MS. NAUGHTON:

2 Q Did you eventually see a copy of the November 26
3 finding?

4 A I did. The so-called mini-finding.

5 Q Do you recall when you first saw it?

6 A Yes. I think I saw it, my recollection is that
7 I first saw this in Dave Doherty's office on the evening of
8 the 22nd.

9 Q So we are referring now to Exhibit No. 22 entitled
10 "The Director of Central Intelligence, November, 1986,
11 Memorandum for Vice Admiral John M. Poindexter."

12 A Yes. Although your document marked No. 22 is a
13 two-page document, of which the finding is the second page.

14 Q Yes.

15 A The first page appears to be a memorandum for
16 Poindexter from Casey and it is not a document, to my
17 recollection, I have ever seen.

18 I have, however, seen the second page of this
19 document, which is the finding itself.

20 MR. LEON: Unsigned?

21 THE WITNESS: I have never seen a signed
22 version of this, no.

23 MR. LEON: Did you ask him if it had been signed?

24 THE WITNESS: Sporkin?

25 MR. LEON: Yes.

UNCLASSIFIED

UNCLASSIFIED

169

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1 THE WITNESS: No, I don't think there was conver-
2 sation about that, but there was in Doherty's office on that
3 question.

4 BY MS. NAUGHTON:

5 Q Did you decide, then, to go on Saturday evening
6 to the CIA?

7 A Yes.

8 Q And do you recall when you went?

9 A Yes. Well, my notes reflect and my memory does
10 not dispute that I went over there in the neighborhood of
11 6:00 and stayed to very nearly 9:00.

12 Q Prior to leaving the Department of Justice, were
13 you aware that the Attorney General was going to visit
14 with Mr. Casey?

15 A I don't think that I was. I don't have any
16 recollection to that effect. But it is certainly possible
17 that he advised me of that fact. I do not recall it.

18 Q Did he tell you either the next day or any other
19 time later what he and Mr. Casey discussed on Saturday
20 evening?

21 A Well, I can't recall when I learned what they
22 discussed, but I did ultimately learn what they discussed.
23 I don't recall having had conversation with him about it,
24 for example, the next day. I can't say to you that I didn't
25 have conversation about it with them the next day. I just

UNCLASSIFIED

UNCLASSIFIED

170

4

1 don't recall having had it.

2 Q When you did have a conversation about it, what
3 did he tell you was discussed?

4 A Well, I can't recall a specific conversation on
5 it, but I do know that information about it came to me.

6 I do have a general recollection that we had some
7 conversation about his earlier conversation with Casey. I
8 do remember him making reference to at some point Furmark,
9 and the complaining that certain businessmen were doing
10 about not getting their money. I cannot pinpoint for you
11 when it was that I had that conversation.

12 When I say, "I had a conversation," you know, I
13 many of these conversations are not just one-on-one
14 conversations. They are discussions that would take place
15 generally in the context of the whole group gathering to
16 discuss the matter.

17 There weren't that many one-on-one conversations
18 that I had with the AG, although there were a few.

19 Q Okay.

20 It is not as important when he told you this or
21 in whose company, but specifically of the meeting between
22 Mr. Meese and Mr. Casey Saturday evening, your recollection
23 that Mr. Meese told you they discussed the Furmark visit
24 and that Furmark had said that investigators were complaining
25 about not getting their money?

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171

1 A I can't tell you whether that is a subject matter
2 that was taken up that Saturday night or whether that is
3 something that was discussed as between the two of them, you
4 know, very shortly thereafter, Sunday or Monday.

5 I know that the memo itself, the so-called Furmark
6 memo, did not come into the Attorney General's possession
7 until the 25th, at least that is my understanding.

8 And I know that they discussed it, but I guess
9 I can't say with confidence that they discussed it Saturday
10 night or that they discussed it shortly thereafter. I just
11 don't know. I know they discussed it.

12 MR. BOLTON: Could I have just one second?

13 (Counsel confers with witness.)

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UNCLASSIFIED

UNCLASSIFIED

172

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(4:30)

1 Q When you say they discussed it, do you mean they
2 discussed it prior to the Department of Justice receiving
3 Mr. Casey's transmittal of the Furmark memo on November 25th?

4 A Yes, I think that that is certainly correct.

5 Q Do you recall the Attorney General relating the
6 Furmark visit or episode or information, whether or not
7 Furmark's comment to Mr. Casey that the investigators felt
8 the money had been diverted to the contras was mentioned?

9 A At some point or another, yes, it was.

10 Q So, in other words, at some point before the 25th
11 you have some sort of rumor or corroboration in the form of
12 a rumor that someone else might know there was a contra
13 diversion?

14 A Yes.

15 (Counsel conferring with witness.)

16 THE WITNESS: I should, I guess, be more specific
17 than I have been previously with respect to this business
18 about Furmark. It is not my understanding that the Attorney
19 General discussed the matter of the contra diversion with
20 Casey on Saturday night. That, in fact, it is my under-
21 standing that he did not discuss the matter of the contra
22 diversion with Casey on Saturday night.

23 BY MS. NAUGHTON:

24 Q How do you know he did not?

25 A He has testified in a couple of different

UNCLASSIFIED

UNCLASSIFIED

173

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1 contexts that that is the case and I have no information
2 contrary to that.

3 I do know that the Furmark memorandum, which
4 incidentally I have never read, but which I understand
5 has either displayed in it a reference to the possibility
6 that the moneys that these investors were concerned about
7 were transferred to the contras, or Mr. Casey, in conver-
8 sation with Furmark or people associated with him, learned
9 of this complaint or this possibility.

10 I also understand that the document that covers
11 the Furmark memorandum that Casey sent over makes reference
12 to the fact that the AG and Casey had discussed that Furmark
13 memorandum earlier. Whether that had taken place, whether
14 earlier, that is obviously something that I don't know. But
15 I don't want to leave any impression that I have any inkling
16 or evidence to the effect that Casey and the AG, as of
17 Saturday, discussed the contra diversion. In fact, all the
18 evidence that I have is to the effect that the AG specifi-
19 cally refrained from discussing at least what he knew about
20 the indications that we had that there might be a contra
21 diversion involved in all this.

22 Q Did he tell you that he did not discuss this
23 with Mr. Casey?

24 A I don't recall him having told me that he didn't
25 discuss this with Casey, but he did tell two committees,

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1 Intelligence Committees of Congress this, and I heard him,
2 I was present at that time, and I don't recall him having
3 said this to me previous to that time.

4 Q But does your answer still stand that prior to
5 Mr. Casey's transmittal of the Furmark memo that there was
6 some discussion between yourself and the Attorney General
7 and perhaps others of what Mr. Casey had told him regarding
8 the Furmark memo?

9 A No, I don't think that was my testimony and if
10 it was, I would like to revise it, because I think that my --
11 I don't recall I guess prior to November 25th having had
12 conversations with the AG about this Furmark business or
13 that I had ever heard the name Furmark prior to November
14 25th. I am not even sure that on November 25th I heard
15 that.

16 November 25th is important only because now I am
17 acquainted with the document, the Furmark memorandum, which
18 Casey, on the face of the cover memo, anyway, suggests he
19 sent him on the 25th and it references the fact that they
20 had conversations about those documents prior to the time
21 that he sent them to them. So from that, I infer that there
22 had been some conversations between the two of them, at
23 least Casey, apprising the Attorney General of the informa-
24 tion that Furmark had shared with him.

25 (Counsel conferring with witness.)

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175

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1 THE WITNESS: Well, I do not recall -- I should go
2 back on the record -- I don't recall there having been any
3 reference in the cover memorandum that Casey sent the AG
4 relating to contra, to any reference by Furmark to the
5 contras.

6 I do, however, have a general recollection, and
7 I would -- I would suspect with confidence that this pertains
8 to a period of time after the 25th. But a general recollec-
9 tion of a conversation in which the AG referenced his know-
10 ledge from Casey or from this memorandum that Furmark was
11 complaining and making specific points about the possibility
12 of a contra element to the moneys that he was -- that his
13 investors were out of.

14 BY MS. NAUGHTON:

15 Q You didn't see the cover memo or did you?

16 A No, I have seen the cover memo, yes.

17 MR. LEON: From Casey to the AG?

18 THE WITNESS: Yes, cover letter, cover memo,
19 whatever.

20 BY MS. NAUGHTON:

21 Q At first you told us that the cover memo referred
22 to prior conversations Mr. Casey and Mr. Meese had with
23 Mr. Furmark. Then we broke and Mr. Bolton spoke to you
24 and now you state that the cover memo did not reference
25 prior conversations.

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UNCLASSIFIED

176

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1 A No, I was unclear perhaps. The cover memorandum,
2 as I recall it, and I haven't studied it recently, but as
3 I recall it, made reference to the fact that Casey and the
4 AG had discussed the documents that Casey was transmitting
5 to him, and that obviously Casey had agreed to send him
6 these documents.

7 Among those documents was the Furmark memorandum,
8 which I understood to be a memorandum that Furmark sent to
9 Casey complaining ~~about~~ on behalf of investors, about moneys
10 that they had loaned and never been repaid. I don't think
11 I have ever read that document. But that is my understanding
12 of its content.

13 And that there was also another document that
14 somebody at CIA, probably or perhaps Charlie Allen, had
15 drafted that related in some general respect to this Furmark
16 business. I think Charlie Allen had interviewed Furmark or
17 discussed the matter with him, went up to see him, I think
18 is the case.

19 The cover memo did not make any specific reference,
20 to my recollection, to the contras or the possibility that
21 that is what happened to these moneys that the investors
22 were complaining about, but it did make reference to Casey
23 and the AG having discussed those documents.

24 Q Prior to the transmittal of the documents?

25 A Yes. One can infer from that memorandum that

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1 they discussed those documents prior to the time that the
2 cover letter was authored because it references the discus-
3 sion and the cover letter is dated the 25th, and I also
4 recall the AG making it specifically known to committees
5 that I heard him testify to that he received it on the
6 25th.

7 I also recall having been a participant in a
8 conversation in which the AG referenced the fact that Furmark
9 had raised this prospect of a contra element to these funds
10 much earlier with Casey than of course we had become
11 acquainted with the possibility of a contra element to
12 these funds. I cannot state with certainty when I partici-
13 pated in that conversation, but my general recollection and
14 my strong, reasonably confident conclusion is that that was
15 after November 25th.

16 Q After the -- well, was it after the criminal
17 division had been called in to take over the investigation?

18 A I --

19 (Counsel conferring with witness.)

20 MR. BOLTON: Could we have that last question
21 read back, please?

22 (The reporter read the record as requested.)

23 THE WITNESS: It was -- I can't say that it was
24 after the time that the matter was -- that the FBI was
25 called in to continue and complete the investigation. I

UNCLASSIFIED

UNCLASSIFIED

178

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1 just really don't recall. Although, obviously, my own
2 participation in that -- in this whole matter was discon-
3 tinued almost completely at that point, which was Wednesday --
4 whenever Wednesday was.

5 BY MS. NAUGHTON:

6 Q Did the Attorney General tell you this before
7 your participation was completed?

8 A Well, I really can't tell you that he did. I
9 don't have a present recollection for when it was that this
10 conversation took place. Even after my own personal
11 involvement in the investigation was completed, there were
12 various subsequent conversations of a general nature with
13 the AG, so it is possible, though I would have to agree
14 with the suggestion of your question that it is entirely
15 reasonable and perhaps even likely that it occurred before
16 that Wednesday evening when, you know, I faded out of the
17 hands^A on investigatory work.

18 Q Getting back, then, to the Casey meeting with
19 Mr. Meese, what do you recall Mr. Meese telling you about
20 the substance of that conversation?

21 A I just recall his reference to Furmark and
22 Furmark's prior relationship with Casey and that Furmark
23 had somehow -- had suggested that the moneys that his
24 clients had invested in this or loaned to people involved
25 in an arms transaction had been used for purposes of

UNCLASSIFIED

UNCLASSIFIED

179

1 assisting the contras, his suggestion of that. And that
2 Furmark had apparently made these claims or suggestions
3 early -- you know, as early as a couple of months before
4 we started our weekend investigation, and I have a general
5 recollection that according to Casey, he mentioned it to
6 Poindexter, that Poindexter put him at ease on this fact.

7 Q Casey had mentioned it to Poindexter?

8 A Yes.

9 MR. LEON: How?

10 THE WITNESS: How had Casey mentioned it to
11 Poindexter?

12 MR. LEON: How did he put him at ease?

13 THE WITNESS: Evidently, to the effect that that
14 is not accurate, that is not true.

15 BY MS. NAUGHTON:

16 Q Getting back to the CIA meeting Saturday night
17 from 6:00 to 9:00 p.m., you interviewed -- first of all,
18 did anyone accompany you to the CIA that evening?

19 A Yes, John McGinnis.

20 Q Did either you or Mr. McGinnis interview
21 Mr. Clarridge?

22 A No, not that evening. We did the following day.

23 Q When you did, I just want to stick with that
24 for a minute, when you did interview Mr. Clarridge, what
25 was his position regarding his knowledge of the November

UNCLASSIFIED

UNCLASSIFIED

180

1 Hawk shipment, do you recall? I don't have your notes
2 before me and I don't intend to put them into evidence.

3 A That is because they don't exist. I didn't take
4 notes of that interview and didn't participate in it in any
5 significant way.

6 John McGinnis conducted that interview and took
7 notes, but the two noteworthy features of the interview,
8 as I recall them being reported to me by John, were that
9 Clarridge maintained that he was told oil-drilling
10 equipment and that he was the one who fielded North's call
11 for a -- the name of an airline or provision of a plane
12 that could accommodate a very bulky load on short notice
13 and very discretely, and the other significant thing, I
14 guess, is that Clarridge also attempted to arrange through
15 [REDACTED] as I understand it, [REDACTED] some
16 kind of flight-landing authority or something that was
17 necessary for the November shipment from Israel, the original
18 plan from Israel to [REDACTED], and on to Iran if the hostages
19 were released.

20 Apparently there was a hang-up [REDACTED] and
21 Clarridge said that he tried to arrange to fix that hang-up
22 through [REDACTED]. Those two events stick out in
23 my mind as being significant.

24 Q Did you on either Saturday evening or Sunday
25 morning speak to Mr. ^{Jamison} Jamison from the CIA?

UNCLASSIFIED

UNCLASSIFIED

181

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1 A Yes. Both occasions ^{Jameson} ~~Jameson~~ was involved. He is
2 with the General Counsel's Office. He was taking a very
3 active role in the CIA's effort to get its arms around its
4 own facts and what have you.

5 Q At any point, did Mr. ^{Jameson} ~~Jameson~~ tell you that there
6 was some question that perhaps the pilot of the proprietary
7 airline used had knowledge that it was military equipment
8 aboard?

9 A Yes.

10 Q Can you tell us how that came about?

11 A Yes. Actually, the only time I can remember
12 ^{Jameson} ~~Jameson~~ having made that known or that possibility known
13 was when I was at CIA on the morning of Casey's testimony,
14 and at the very end, as we were hustling out, ^{Jameson} ~~Jameson~~
15 whispered to me that, something to the effect that they
16 have an indication or there is some suggestion or evidence
17 to suggest that the pilot who flew the Hawks into Iran knew
18 there was something other than oil-drilling equipment
19 onboard, and specifically that there was some kind of
20 military equipment.

21 MR. LEON: When did he say that to you?

22 THE WITNESS: The morning of Casey's testimony,
23 Friday morning when I was out there in Casey's office and
24 it was the very tail-end of -- literally almost as people
25 were leaving to go up to the Hill. He just kind of -- it

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1 was an aside, almost.

2 BY MS. NAUGHTON:

3 Q What significance did that have to you?

4 A It had significance in that it suggested that
5 somebody at the CIA, anyway, that this pilot at a minimum
6 was aware of the fact, and it further raised, I guess,
7 further concerns about the -- not concerns, but it tended
8 to support the State Department's side of this.

9 Q Were you concerned at that point about Casey's
10 testimony, in other words, Casey testifying that no one
11 at the CIA knew it was military equipment?

12 A Well, actually I should have been, but I wasn't
13 because it just did not click to me that there was still a
14 reference in the testimony to the effect that CIA, nobody
15 at CIA knew. I just did not put the two together.

16 MR. LEON: Did finding click in your mind, the
17 need for a finding?

18 THE WITNESS: Not particularly. I don't recall
19 having had -- I don't recall having responded mentally to
20 where was the finding or anything.

21 BY MS. NAUGHTON:

22 Q Is it your position -- if I can digress for a
23 minute -- that a finding would not be required if oil-
24 drilling equipment was being sent for intelligence purposes?

25 A No, it is not.

UNCLASSIFIED

UNCLASSIFIED

183

1 Q So it is the CIA involvement, in your mind, that
2 triggers the finding, not the materials involved?

3 A Exactly. It wouldn't matter what was on that
4 plane.

5 MR. LEON: Would that have to have been a knowing
6 involvement as opposed to if they had been duped into
7 thinking it was one thing when in fact it was another?

8 THE WITNESS: Well, if it was part of a signifi-
9 cant intelligence activity, the fact that they thought it
10 was oil-drilling equipment and it turned out to be Hawks
11 wouldn't matter, because oil-drilling equipment would be --
12 it wouldn't change the character of the event as being a
13 covert operation.

14 MR. LEON: It is the conduct.

15 BY MS. NAUGHTON:

16 Q Sunday morning you went again to the CIA; is
17 that correct?

18 A Yes, and in relation to your question, the
19 earlier question, Dewey Clarridge did advise, as I under-
20 stand it, McGinnis, and I may have been present on that
21 score, that there was a cable, some kind of [REDACTED]
22 [REDACTED] cable traffic from the pilot to ground control to the
23 effect that the pilot answered military equipment or some-
24 thing like that in response to the question "what do you
25 have onboard?"

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1 Q Clarridge told this to Mr. McGinnis?

2 A Yes. That is my recollection.

3 Q Did you ask anyone either Saturday night at the
4 CIA or Sunday morning at the CIA about diversion of these
5 moneys to the contras?

6 A No, I didn't.

7 Q Is there any particular reason why you didn't
8 ask?

9 A Yes, there is. The reason is that it seemed
10 important to take North unawares on that point, and I had
11 no confidence at all if we asked about that matter at the
12 CIA that that matter would be -- would not be reported,
13 back to North.

14 In fact, I had the gravest doubts that it would
15 not be reported back to North in some form or another.

16 Q Do you recall when you briefed Mr. McGinnis
17 about the diversion memo?

18 A I don't recall, no, I don't, but he and I have
19 had conversation about it since that time.

20 MR. LEON: Do you want to take a break?

21 (Recess.)

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185

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1 MS. NAUGHTON: Let's go back on the record then.

2 I had asked you about Mr. McGinnis' knowledge of
3 the diversion memo. Could you just tell us when you recall
4 telling him about it?

5 THE WITNESS: I don't recall telling him about it.
6 I don't recall when I told him about it. He advises me that
7 he did not learn of it and I did not tell him of it prior to
8 the Monday, which strikes me as quite odd, but I don't have
9 any recollection of it now.

10 Certainly I do not dispute his recollection of it.

11 BY MS. NAUGHTON:

12 Q Do you recall him telling you on Monday that there
13 was a rumor at the CIA that the funds had been perhaps
14 diverted to the contras?

15 A Actually, I don't have a recollection of that,
16 of him making that statement to me on Monday. I do, however,
17 recall him telling me that he had picked that up. And he
18 says that is when I told him that we have other reasons to
19 suspect that happened or something to that effect.

20 That is when I made him aware, he tells me,
21 of the memorandum or the reference in the memorandum and
22 whatever it was that North told us Sunday evening confirming
23 the memorandum.

24 Q So you did not have a specific recollection of when
25 he told you about the rumor at CIA regarding diversion. Is

UNCLASSIFIED

UNCLASSIFIED

186

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1 Is that accurate?

2 A That is accurate. I do recall him making that
3 known to me. I can't tell you that it happened on Monday
4 from my own recollection, but neither do I resist in the least
5 John's recollection on that.

6 I defer to his recollection on that.

7 Q Do you recall that it happened before the
8 Attorney General's press conference?

9 A I would suspect that that is correct, yes, because
10 if it had happened after it would not have -- I mean I don't
11 even know if he would have mentioned it. It would have
12 reduced it into insignificance.

13 Q While you were at the CIA on Sunday morning,
14 did you meet with Director Casey?

15 A I did.

16 Q Can you tell us how that came about?

17 A Yes. I met with him because Charlie Allen did not
18 want to impart to me a certain information, actually the
19 name of a contact within the Iranian Government. He through-
20 out the conversation was expressing inhibitions and objections
21 to the nature and sensitivity of the information we were
22 looking for.

23 I can recall him expressing objections to John
24 McGinnis' presence since we could not assure him that John
25 had had the necessary clearances in the formal ways. This was

UNCLASSIFIED

UNCLASSIFIED

187

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1 of similar -- similar kind of objection. He did not want to
2 relate to me this name and I thought that was not a reasonable
3 position for him to take in the circumstances, but he very
4 abruptly suggested, well, I am not going to state this name
5 until the DCI himself tells me.

6 He picks up the phone and calls the guy, calls
7 Casey in his office.

8 MR. LEON: DCI?

9 THE WITNESS: Yes.

10 I had no idea until that moment that Casey was in
11 his office, right there in the same building, but he called
12 him and then he either in that conversation or in a separate
13 phone call moments thereafter, Casey called down to him, I
14 think that is what happened, and asked us to come up to see
15 him.

16 So we did. We trooped off to see him. And Casey
17 indicated that he had discussions with the AG and the AG agreed
18 that it wasn't absolutely necessary, at least at that point in
19 time, for Charlie to tell me the name of the character; but
20 that we should continue on with our conversation.

21 BY MS. NAUGHTON:

22 Q Excuse me. From the time you were in -- was it
23 Mr. Allen's Office?

24 A Yes.

25 Q Until you went up to see the Director, Director
Casey, he had spoken to the Attorney General?

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188

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1 A Yes.

2 Q Okay.

3 A That was my understanding.

4 Q What else did Mr. Casey tell you?

5 A Only that he stressed, as I recall, the very
6 sensitive nature of this fellow's name and Allen had done
7 so previously. He had suggested that if this name ever was
8 made public, the consequences would be extremely dire for him
9 and Casey simply said that in the circumstances, if it did
10 become necessary for me to know the name, for us to know
11 the name, that they would, of course, provide it, but until
12 it became absolutely necessary, they didn't want to do it and
13 Meese had agreed to those terms.

14 Well, the conversation didn't last five minutes
15 and then we went back down to Allen's office and resumed the
16 interview.

17 Q Did you discuss anything else about the Iranian
18 arms sales with Mr. Casey at that time?

19 A No.

20 Q Did he ask you how the inquiry was going?

21 A I don't recall any chitchat of that kind.

22 Q Did Mr. Casey refer to the meeting he had
23 had the night before with Mr. Meese?

24 A No, he didn't.

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UNCLASSIFIED

UNCLASSIFIED

189

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1 Q After you finished at the CIA, did you go to the
2 Department of Justice?

3 A Yes.

4 MR. BOLTON: Was that on Sunday now?

5 THE WITNESS: This is Sunday morning now.

6 BY MS. NAUGHTON:

7 Q Sure.

8 A Sunday. Yes, I did. I went back to the office.

9 Q Do you recall what time you got back to the
10 Department?

11 A Well, it was, from my chronology, I would place
12 it sometime probably around 11:30 or so because my chronology
13 reflects that we left the CIA and we concluded our business
14 there in the neighborhood of 11:00 o'clock. I had actually
15 thought, to tell you the truth, that we had been out there
16 more than two hours, but we did split up the interviews once
17 John was kicked out of mine.

18 Q Before Oliver North arrived for his interview at
19 the Department that afternoon, did you have a meeting with
20 the other members of the team to discuss how the interview
21 would go, your strategy for interviewing Mr. North?

22 A I don't really recall having outlined any particular
23 strategy on that. I guess the interview was unusual in that
24 all four of us attended whereas previously only the AG or the
25 AG and myself were involved in the interviews that we had had

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UNCLASSIFIED

190

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1 at DOJ anyway, at the Justice Department.

2 But I don't remember formulating any particular
3 strategy or any way of approaching it. I think the AG
4 had been working on that in his own mind and he had a strategy
5 outlined in his own mind.

6 Q Speaking of that, if I can digress for a moment,
7 is it your understanding that the Attorney General spoke with
8 Defense Secretary Weinberger at some point during the weekend?

9 A Yes, it is. Actually, I can't tell you that it was
10 not on Monday. He may well have discussed the matter with
11 him on Monday, but sometime between the time we spoke with
12 McFarlane and the time of the Tuesday announcement, he had had
13 a conversation with Weinberger, a telephone conversation.

14 Q Did he tell you what Weinberger had said to him?

15 A No, or at least if he did, it wasn't significant
16 enough to stick out in my mind. I think the significant thing
17 about Weinberger was that there was nothing significant.

18 Q There was no specific conversation then as to
19 Weinberger's knowledge of the HAWK shipment or any requests
20 from the CIA for similar equipment in the fall of 1985?

21 A No. Actually, there had been no transfers out of
22 DoD prior to the finding. The replenishment that took place
23 for -- that ultimately took place to replenish the 508 TOWs
24 that Israel sent in September didn't take place until sometime
25 several months into 1986, so there had been no transfers out

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191

7 1 of Defense.

2 I am sure that the AG would not have had conversa-
3 tion about that.

4 My recollection is that Weinberger, he was sick
5 or his wife was sick or something and he was not viewed as
6 a particularly momentous or important contributor to this
7 whole thing.

8 Q Back to the North interview then; do you recall
9 what time during the day it took place?

10 A Well, I don't have a recollection different from
11 the one that is recorded here in my notes, my chronology
12 which suggests it took place from plus or minus 2:00 o'clock
13 to 5:45. That is my best estimate.

14 Q And did the Attorney General absent himself for
15 part of this interview?

16 A He did, towards the end of the interview. I am sure
17 we had been going on for two hours at a minimum and probably
18 closer to three by the time the AG had to go pick his wife up
19 at the airport.

20 We then continued on for another hour or thereabouts
21 with North.

22 Q Did you take notes of this interview?

23 A I took maybe one note. John was our scrivener, our
24 notetaker during the interview.

25 Q John Richardson?

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A John Richardson. I do understand, I mean Brad took some small amount of notes, but John was our designated notetaker.

It was his responsibility to be the notetaker.

Q Now, using your recollection then, do you recall what Colonel North had to say about the November 1985 shipment of HAWKS?

A Well, I recall it was rather confused, but yes, I do have a recollection of that, a recollection that I would defer to the notes on, but I do have a recollection of his --

MR. LEON: We have John's notes if you would like to look at them.

THE WITNESS: I have them here actually. I recall our probing that area.

BY MS. NAUGHTON:

Q In the interest of time, I don't want to go through all the notes, but do you recall what he said in general about his state of knowledge as to whether the November 1985 shipment was HAWKS or oil drilling or something else?

A Well, let me tell you what I can recall as we sit here.

He did say that he was told it was oil drilling parts, equipment, I think he said by Rabin's man, Rabin's attache or something, who was in New York at the time and he

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193

9
1 came down to see North as a result of Rabin's call to
2 McFarlane for assistance in the problems they had developed
3 [REDACTED] on an operation that was important to our mutual
4 interests.

5 So he learned from that fellow or at least that
6 fellow represented that there was oil drilling equipment on
7 this cargo.

8 North said that he -- I mean somebody asked him if
9 he had any doubts about whether there was oil drilling equip-
10 ment and he confessed that he did and that if push came to
11 shove, he would probably -- basically, that he strongly sus-
12 pected that there was something other than oil drilling
13 equipment, but that he could pass a lie detector test on that
14 question -- he made that point specifically -- as to what he
15 believed and understood was involved.

16 MS. NAUGHTON: Let's go off the record for a
17 second.

18 (Discussion off the record.)

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20 ldd ends/10

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194

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1 THE WITNESS: That is about all I can recall in
2 terms of his statements regarding whether it was Hawk or
3 oil drilling equipment, although I do remember that he
4 learned he said from Secord that there was actually Hawks
5 on that plane. But this-- it was my understanding he
6 learned subsequent to the actual shipment, and he learned
7 even after that from Nir, or at least it is my recollection
8 that he received that Nir subsequently told him as well that
9 this involved Hawks.

10 BY MS. NAUGHTON:

11 Q Was it his position that this shipment was at the
12 instigation of the Israelis? In other words, a unilateral
13 transaction?

14 A Yes. It was his position that this was
15 something they were doing that they needed our help for.

16 Q Did --

17 A This was another place where I referred earlier to
18 his use of the term "dork." He said this whole thing was
19 "dorked up" and if he had been involved in it from the
20 beginning it would not have been screwed up, but that Secord,
21 when Secord came on the scene as a result of North's insti-
22 gation, Secord did a long memo on how totally screwed up the
23 whole thing really was.

24 Q Did he stick with his story that he had jawboned
25 the Iranians into giving the Hawk missiles back?

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195

1 A I think he retreated from that story somewhat.
2 Because I think he said, and there is references somewhere
3 in those notes to which I would defer, but I think he
4 indicated that they -- that the Iranians did not -- were not
5 pleased with the Hawks. I think he confided that to us.
6 And I think that is in here somewhere.

7 Q Either prior or during this discussion with
8 Colonel North was he asked if he had an attorney?

9 A North?

10 Q Yes.

11 A I don't think so. I don't recall him having
12 been asked that.

13 Q Did he mention having an attorney?

14 A I don't recall that either.

15 Q Did he mention the name, Tom Green.

16 A No. I am quite confident he didn't mention Tom
17 Green's name. I think the first time I had ever heard
18 Tom Green's name was the following day.

19 Q Did Colonel North say that any documents had been
20 destroyed or were missing?

21 A No, he didn't.

22 Q Not even in the normal course of NSC activity?

23 A No, he did not.

24 Q Was there any statement made to Colonel North to
25 preserve documents or to gather them or to give to you, provide

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196

#11 1 to you any documents?

Cont'd 2 A The one thing that comes to mind in response to
CAS-1 3 that question is an episode in the conversation which
4 when his attention was focused upon the smoking gun
5 memo, he asked not long after he recognized the memo if there
6 was some kind of a cover sheet or cover memo with it.

7 And I don't know who said no, but I guess it was
8 Brad who was authoritative on the thing, said no, and then
9 my recollection is somebody, and I think the A.G. said, is
10 there supposed to be?

11 And North said no, essentially he just wondered,
12 but that he did not -- he did not suggest to us that the
13 document was incomplete.

14 He simply seemed entirely satisfied by the fact
15 that there wasn't such a cover sheet. But the notes, John's
16 notes, reflect that North at that point essentially suggested
17 that he would look further just to double-check that there
18 was no such cover sheet.

19 That is the only -- and I don't have a specific
20 recollection of that, and the only reason it comes to mind
21 in response to your question is that I went through this
22 precisely with representatives of Mr. Walsh.

23 MR. LEON: Did he suggest it was just a draft?

24 THE WITNESS: What -- the memo, the smoking gun
25 memo?

MR. LEON: Yes, the diversion. A rough draft as

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197

CAS-2 1 opposed to complete.

2 THE WITNESS: I --

3 MR. LEON: Do you have a sense?

4 THE WITNESS: Yes, I have a sense that we were
5 talking about a document that was not a final document.

6 As I recall the document has -- it looks like a draft, it
7 has interlineations, it has strike-throughs or cross-outs
8 or something, not many, but a few and one presumably wouldn't
9 send that on as a final document.

10 But the point that seems more -- whether it was
11 final or not, it was a document that North suggested went
12 only to Poindexter and that the only people in the
13 Government who could have known about the matter of the
14 diversion was Poindexter and McFarlane, or to his knowledge,
15 who likely would have known or who did know to his knowledge.

16 BY MS. NAUGHTON:

17 Q Was he asked specifically if the President knew?

18 A Yes, or there was conversation about that.
19 Obviously we were keenly interested in just how high this
20 knowledge went. And he, as I say, indicated that the only
21 people that he thought knew were McFarlane, Poindexter and
22 himself.

23 MR. BOLTON: We are talking about what people knew
24 here was the contra diversion?

25 THE WITNESS: The contra diversion or who had

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198

CAS-3 1 received any version of this memo, because I can recall
2 the A.G. asking about what the normal N.S.C. filing
3 practices are and where -- the point he was trying to
4 elicit was that if this document had gone to the
5 President, surely there would have been some version
6 other than this one in the file, and if not, you know,
7 where would such a document be housed, how could one double-
8 check to make sure that the thing hadn't gone up to
9 McFarlane -- excuse me -- to Poindexter or Regan or the
10 President or the Vice President or anybody like that.

11 So, yes, there was conversation about that and he
12 gave us to understand that he did not think this had gone to
13 the President.

14 BY MS. NAUGHTON:

15 Q Was he asked if there were any other documents
16 which outlined the diversion?

17 A It seems likely that he was, but I don't have a
18 specific recollection in mind now. I would imagine that
19 any such statement, if he was asked, would be contained in
20 these notes, however.

21 If they are not in the notes, I would have to
22 conclude he wasn't.

23 Q When he was shown the diversion memo, could you
24 describe for us his reaction?

25 A Yes. Actually, my reaction, and I think -- and this

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199

CAS-4 1 is an area where as I in the past have reviewed these notes,
2 I am unclear as to what the message is in these notes -- my
3 recollection is that the A.G. handed him the memo prior
4 to the time that he asked him about the contra diversion,
5 that the A.G. handed him this memo and asked an innocuous,
6 entirely unnoteworthy question or two before he asked him
7 about the contra diversion.

8 So my reaction is when he got the memo his
9 composure didn't change in any particular way, because my
10 reaction is that he did not, when he got the memo, he did
11 not immediately recognize the significance of the memo.

12 But his composure did change when the mention
13 was made of the contra diversion to the Nicaraguan freedom
14 fighters.

15 Now, it may well be that his composure changed
16 as soon as the memo was placed in his hands, but that is not
17 my recollection. I just stated to you what my recollection
18 of it is, but his composure changed and he obviously -- it
19 changed from calm to one of great surprise.

20 Q What did he say when asked about the diversion?
21 Or when asked about the contras?

22 A He just answered the questions. I mean, he didn't
23 have any exclamation, no expletives or anything like that,
24 but his facial expression was markedly -- was quite
25 perceptible.

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200

CAS-5 1 Q Did he deny it at first?

2 A No.

3 Q What is the first thing you recall him saying about
4 it?

5 A I think he just -- I don't really recall except
6 that -- beyond that he was answering questions put to him by
7 the Attorney General, and acknowledged the contra diversion
8 element.

9 I don't think it was long at all, perhaps the very
10 next question, when he was asked how much was diverted. He
11 said he really didn't know, but he knew who did know, and
12 that was Second.

13 MR. LEON: Were you sitting right across from him,
14 facing him, Chuck?

15 THE WITNESS: Yes. I was sitting next to the
16 Attorney General who was sitting directly across from him, but
17 he was also in front of me. Brad was sitting in a position
18 such that he was next to or to the side of North.

19 BY MS. NAUGHTON:

20 Q Whose idea did North say it was to divert the funds
21 to the contras?

22 A Nir: Nir of the Israeli Government.

23 Q When Oliver North left the interview, could you
24 tell us what the substance of the conversation then among
25 those of you who had interviewed him was?

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201

CAS-6 1 A I do remember us all remarking that the change in
2 North's composure on the raising of the contra diversion
3 issue, that was perceptible to all of us, and we
4 concluded, I guess, that he really hadn't expected that
5 to come out, to come to light.

6 And I am sure we had additional conversation about
7 it, but I can't remember any specific points that were made.
8 I know that my own thinking at that point started to, with
9 new seriousness, incline toward the legal issues, and I
10 recognized that we needed to really get a solid footing on
11 what legal implications there were to this, now that we had
12 confirmed the suspicions that had been created by this
13 memo.

14 At least confirm to the extent that we believed
15 North, and this seemed to us to be something we believed
16 him on.

17 Q Did you discuss whether or not you should share this
18 information with anyone or if you should keep it closely
19 held?

20 A I don't recall having discussed what our attitude
21 on that should be, although -- specifically -- although
22 I do know this.

23 At that point the question was, it seemed to us,
24 and whether we discussed this immediately in the aftermath
25 of North's interview or beginning with the next morning or

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202

CAS-7

1 that evening, but I do think that John Richardson,
2 Brad Reynolds and I, I recall us going to my office and
3 brain-storming a little bit on this fact and where it placed
4 us.

5 And it may well be that -- well, we recognized the
6 sensitivity of this information, the fact that it was
7 information that had to be made public by the President and
8 nobody else, that if the Washington Post made this fact
9 public prior to the time that the President did, it would
10 be very calamitous, because no one would believe that we had
11 discovered this along the lines that we had and that it
12 was something that, you know, we fully intended to make
13 public.

14 The point was can we verify and touch the bases
15 that we need to touch between now and the time that we make
16 this public before some other leak or some other reporter or
17 something gets wind of this.

18 We didn't have a sense that there was, you know, a
19 Post reporter or anything else breathing down the neck of this
20 information, but we did fully discuss and recognize that it
21 may well be no more than a week away.

22 So we recognized clearly that it was important
23 that this information be made public by the President, that
24 it not be leaked in any way and that it be made public
25 before anyone else made it public through whatever means they

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UNCLASSIFIED

203

CAS-8

1 might obtain the information.

2 At that point we had no confidence that North
3 might not take measures to make it public or other people
4 who knew about it.

5 Who else knew about it? The Israelis knew about
6 it, Secord knew about it, the contras, we assumed, knew
7 about it -- so that is the flavor for the kinds of things that
8 were kind of rushing pell-mell through our minds.

9 But there was a unanimous and the most enthusiastic,
10 vigorous agreement on the proposition that the President
11 himself had to make this public pronto.

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mas 1 1 Q Was that communicated to the Attorney General?

2 A Yes, I am sure that it was. I don't think it is
3 something that the Attorney General needed a news flash
4 from us on, however. I am sure that he -- I mean I
5 don't recall anyone trying to convince anybody that these
6 were the facts of life here. We were quite -- everybody
7 seemed to be instinctively cognizant that it would be
8 calamitous really if this information was made public
9 in any way other than the President himself doing it.

10 Q Was there a discussion then about securing the
11 documents, perhaps getting the FBI to go in and secure
12 the area so that documents wouldn't be destroyed?

13 A No. I think there was Monday, and I am certain
14 there was no later than Tuesday, but I don't recall as
15 having had any conversation about being concerned or worried
16 that some documents would be destroyed at that point. Or
17 at all, really. I mean, I may be too trusting and too
18 naive, but that is an inconceivable event almost to me.
19 But it did not occur to me that people were likely to be
20 destroying documents, particularly not them.

21 To the extent that you think to destroy documents,
22 that the reason to destroy documents was to at that point
23 to obscure the fact of the contra diversion, it was too
24 late. It was too late. And I can't think of any other
25 element of this that would come close to rising to the

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205

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1 level to justify people taking so extreme -- doing such
2 extreme things as to destroy documents they know other people
3 are interested in looking at for the highest purpose here.

4 So no, I don't think there was any discussion
5 at that point about securing the place.

6 MS. NAUGHTON: Did you have specific questions
7 on the North interview -- because I am done.

8 MS. BENSON: Just a few if I could.

9 MR. LEON: Why don't you take your time and do
10 what you want.

11 EXAMINATION ON BEHALF OF SENATOR ORIN HATCH

12 BY MS. BENSON:

13 Q Did you show North any documents other than this
14 undated memorandum in your interview with him?

15 A I do not recall having done so.

16 Q Could you give us just a little better feel for
17 how this interview was conducted, and did North come in and
18 was it informal and friendly or was it formal and
19 hostile -- give us a little flavor for the meeting.

20 A It was very informal and very friendly. North
21 was -- you know, seemed quite gregarious in his -- and
22 friendly to each one of us. I recall him referring to me as
23 Coop, and that is a -- that I think bespeaks the attitude
24 that he was taking in that matter, and nobody there was
25 taking a hostile attitude toward him. We were business-like,

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206

m3 1 however, and that is I guess about the best I can do.

2 Q What was the purpose for your having called him
3 in. At this point was it to learn more about the entire
4 Iranian Initiative or to confront him with this memorandum
5 or both?

6 A Before we even learned about the memorandum we had
7 intended to speak with North and to speak with him last
8 because he was to us the most knowledgeable person, likely
9 to be most knowledgeable of the whole thing. When the
10 contra element was discovered it just added another area of
11 inquiry that we had to take up with him.

12 Q Did you attempt to go through that chronological
13 fashion with him at that time the significant events of the
14 Iranian Initiative?

15 A Well, I am not sure that it was entirely
16 chronological, but the AG did the great bulk of the ques-
17 tioning on this, and the order in which -- and it was in a
18 general sense chronological. That is the way he had --
19 my recollection is, and I think my notes will bear that
20 out, that is the general outline or system that he had in
21 his questioning.

22 But I am sure there are certain places where they
23 are skipping around.

24 Q When you got to the undated memorandum, the
25 so-called diversion memorandum, was there any suggestion by

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207

m4 1 the Attorney General or the others in the room other than
2 North that that memorandum indicated some wrong^{do}doing?

3 A Was there any suggestion by us?

4 Q Yes.

5 A No, none at all.

6 Q Did there seem to be any inference to that effect
7 from North?

8 A Yes. I won't say there was inference of wrong-
9 doing. but my recollection is he described it towards the
10 end of this as the only black -- the word "black" sticks
11 in my mind -- he may have used another word like dark --
12 but it is the only black element of the whole thing. And
13 I can recall him expressing out loud the hope I guess
14 that that matter would not have to ever be made public.

15 Q Did he mention any kind of a commercial cutout
16 or private enterprise being the recipient of that money?

17 A No.

18 Q Not in any fashion?

19 A No. His explanation was that the Israelis
20 conceived of this plan and that Nir had placed -- that he
21 then went to Calero, got account numbers, gave them to Nir
22 and then Nir put the scrape^soff into the accounts. He
23 did suggest that Secord would know how much the contras
24 got, but he didn't suggest that Secord was pulling strings.

25 Q Did he specifically state it then that the money

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UNCLASSIFIED

208

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1 would have gone into a Swiss account number, into an account
2 controlled by Calero, is that your recollection?

3 A The only name, personal name associated with the
4 contras was Calero's. He did mention Calero and he mentioned
5 that he had gone to Calero and either given him three
6 account numbers or gotten from him three account numbers.
7 In any event, there were three Swiss account numbers
8 understood to be for contra use.

9 Q After you heard this from him was there any
10 suggestion to him, Colonel North, this was United States
11 government money, Treasury money that belonged to the United
12 States, how could you think you had the authority to divert
13 it in this way -- was there any discussion of that nature?

14 A No, none at all. I don't think anybody there
15 had by that time thought through whether this was U.S.
16 money or not, and on the face of it in fact it wasn't clear
17 at all that this was U.S. money.

18 Now, I think those of you who are familiar with
19 my opinions on this recognize that I believe there is a
20 very substantial argument that this was U.S. money, but that
21 was -- that was certainly not the inference that flows
22 from the facts that he related to us naturally.

23 Q When you first learned of the diversion, the
24 feeling in old Ebbetts Grill was that this is bad news,
25 this looks bad, right?

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209

m6 1 A Well, yes -- I mean that was certainly the
2 sense that I was gripped by, more the political implications
3 than -- struck me immediately much more so than the legal
4 implications, although I was savvy enough to realize this
5 probably had some legal implications.

6 Q Of course the political ramifications would only
7 be there if there were possible legal problems, wouldn't
8 that be a fair statement?

9 A I don't think so.

10 Q . In your -- after you have shown him this memorandum,
11 how long did you discuss it? Can you think back and give
12 us any estimate of how long you probed this with him on
13 just exactly what happened?

14 A It is very hard for me to state with any
15 confidence how long we discussed either this memorandum
16 or the event that it described regarding the contras. I
17 would think it probably consumed at least half an hour of
18 our interview with him, probably more than that.

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1 Q And when you finished with that discussion
2 with Colonel North, were you satisfied that you had at that
3 point understood what had taken place with respect to any
4 diversion?

5 A Well, I don't think any of us had anything approach-
6 ing absolute confidence, but it seemed all quite like a quite
7 believable, reasonable explanation for what took place.

8 So I did not find it inherently doubtful.

9 Q Did you come away thinking it was Israeli money or
10 American money?

11 A From that conversation?

12 Q Yes.

13 A I really didn't form an opinion on that. It was
14 not at all long after this Sunday interview that I and my
15 assistant devoted considerable time doodling on just that
16 question, but I certainly had not formed any even impressions
17 at that time.

18 Q Then I take it you and your assistant did a legal
19 analysis of this issue, of the possible diversion of funds?

20 A Not long thereafter, Monday night certainly, no
21 later than Monday night, John McGinnis and I discussed, and
22 John had been looking at this issue at my request during
23 Monday, what the potential legal ramifications were of this
24 diversion and obviously we identified things like the Boland
25 amendment and possible misappropriation to personal use of

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211

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1 government money, Antideficiency Act, Neutrality Act,
 2 there were a host of things that we went through and we have
 3 and I am sure you all have notes of the matters we discussed.

4 As we thought through it, we became sufficiently
 5 concerned that there might have been, that this thing might
 6 have been unlawful under a certain understanding anyway of
 7 whose ~~monies~~^{monies} those were; that is, an understanding that
 8 would have had all or a part of the ~~monies~~^{monies} belonging to the
 9 taxpayers that we, you know, I discussed, and the AG wanted
 10 us to do that and I reported back to him we were a little
 11 concerned about that.

12 On the face of it, though, Dee, the money appeared
 13 under the description that North offered to be the Israeli's
 14 money.

15 Essentially, they received X TOWs, paid X dollars
 16 to the United States and then turned around and sold them
 17 for whatever they could make off them, was theirs.

18 The thing that immediately occurred and one of the
 19 reasons that -- and this is really why it took us til
 20 Tuesday to identify a potential theory of illegality such
 21 that it would justify calling in the FBI, because we had to
 22 identify some theory under which this money belonged to the
 23 United States and therefore that it had legal consequences
 24 under our laws, that it was sent to the contras or kept or
 25 anything else, kept by the Israelis or whatever.

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UNCLASSIFIED

212

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1 We spent a good deal of time thinking through
2 the question whether this was our money, some of it was our
3 money or all of it or none of it was our money, the United
4 States' money.

5 It occurred to us immediately that, well, it
6 looks like this is Israel's money, but then the question
7 becomes, well, did we receive in the \$12 million that we
8 got for the TOWs which was an Economy Act price, was that
9 fair market value?

10 Is this the money we would have gotten in an
11 arm's length transaction under the Arms Export Control Act
12 with Israel?

13 And if it was not, if it was considerably less
14 than that, we concluded that perhaps maybe some of that
15 money could be said to be due and owing to the United States
16 taxpayers and as long as that was true, if some of it went
17 to the contras, then it seemed to us we had a Boland amend-
18 ment problem, potential problem.

19 Q Was it your understanding under the Economy Act
20 that the Department of Defense could only sell to the CIA
21 for a specified price something like book value?

22 A That is the understanding that I think we ultimately
23 developed, yes. And on Monday night, I think it was Monday
24 night, perhaps it was Tuesday, but in any event, one of those
25 evenings, we had a lengthy meeting with the people from the

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UNCLASSIFIED

213

4 1 Department of Defense, their officers who were in charge of
2 sending the TOWs out the door and were in charge of sending
3 these particular TOWs out.

4 And we at length discussed with them the account-
5 ing on all those.

6 It was designed to, for us to educate ourselves
7 on whether or not an arrangement could be made that some of
8 this money was in truth due and owing to the Government
9 and that was Monday night.

10 Let the record show that I have been advised by
11 counsel that --

12 MR. LEON: Wait a minute. That would be Tuesday
13 night; 25th.

14 THE WITNESS: Tuesday evening my chronology
15 reflects the meeting that I described with Susan Crawford
16 and other people from the Department of Defense on this.

17 BY MS. BENSON:

18 Q So under the Economy Act, the Department of
19 Defense was restricted in the price it could charge another
20 branch of the Government, in this case, the CIA, correct?

21 A As I understand it, the Economy Act sets the
22 price.

23 Q Now, when the CIA, in turn, sold those weapons to
24 the Israelis to the Secord enterprise directly to the
25 Iranians, was it your impression that the Economy Act then

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214

5
1 restricted the amount the CIA could charge?

2 A No.

3 Q The CIA, in your opinion, in your legal opinion,
4 could have charged any amount they wanted to?

5 A Well, I don't know about that, but it was not
6 my impression that the Economy Act governed the sales price
7 of that transaction.

8 I think the CIA probably had authority, it may
9 well even have had authority under -- it has got some
10 extraordinary statutes, it may well have had authority to
11 give these things away, but the point is the Arms Export
12 Control Act was relevant only in terms of the price that
13 it set to the CIA because I knew or had been given to
14 believe that the CIA, in turn, turned around and charged
15 the same price to the Israelis or to the Iranians, whoever
16 it was who was paying that price, plus some additional
17 for preparation and for transportation.

18 So then the question, it seemed to us, was is
19 the Economy Act price less than a fair market value arm's
20 length transaction price? And we discovered, in fact, it
21 almost certainly was, though we got varying accounts as to
22 how much less it was and I don't know to this date if --
23 well, I am sure the DoD has figured it out on that one.

24 Q After talking with Colonel North about this then
25 on Sunday afternoon and then doing your legal research, did

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6 | you make any other attempts to factually determine whose
2 | money that was?

3 | A Yes, I did.

4 | As I say, I can remember talking to Abe Sofaer,
5 | I think it was Monday, maybe Tuesday, but very prominent
6 | in my mind and in John McGinnis' mind at that point, we were
7 | working on this question, so I talked with Abe Sofaer, it
8 | was his view that all of the ^{monies}~~monies~~ that Iran had paid were
9 | due and owing to the United States.

10 | I have subsequently come to see that there is a
11 | good deal of merit to that view. But at that time, I have
12 | to tell you I did not think that that view had merit as I
13 | was talking to him because I was conceptualizing this trans-
14 | action as one out of CIA into Israel into the Iranians,
15 | two buyers, and two sellers.

16 | I since have come to believe that the appropriate
17 | way of visualizing this transaction is one out of the CIA
18 | into the Iranians with an intermediary.

19 | Q The intermediary --

20 | A A transaction between the United States and Iran,
21 | not between the United States and Israel.

22 | Q And the intermediary being which entity, or which
23 | person?

24 | A Israel. That was my view at the time, yes. Of
25 | course, even then we knew that one of these transactions,

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216

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1 I think a shipment of a thousand TOWs did not involve the
2 Israelis, any intermediary activity by the Israelis. I
3 think that was in February or so.

4 Q I thought I just heard you say that now your view
5 is that it was U.S. Government to Iran through an inter-
6 mediary?

7 A That is the way I find it most reasonable
8 conceptually the transaction now.

9 Q I am just asking who was the intermediary?

10 A Israel. I mean, I am not making a factual
11 judgment here for you, I am saying that was the assumption
12 on which I developed this conceptualization that I am shar-
13 ing with you. I did not know facts different from that.

14 Q So -- I don't want to take too much more of your
15 time, and the counsels' time -- but was it that assumption
16 that it may be the United States Government's money that led
17 Attorney General Meese to hold his press conference on
18 Tuesday, the 25th?

19 A No, on the contrary. By that time, this thinking
20 that I am sharing with you was still in full swing and no
21 conclusions -- I can't tell you the conclusions have even
22 yet been made, but the thinking was still unformed and still
23 at that time while I think I had perhaps thought through
24 to at least the possibility of this conception whereby all
25 the ^{in funds} ~~monies~~ were due and owing to the United States, it is

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217

1 not something that I have sat down and walked the AG through
2 by then and the AG was still -- and I had not become per-
3 sonally at rest on it by then.

4 But we know that the AG was -- he was
5 under the impression that, indeed, this was not U.S. money
6 and -- or at least he said we are still -- in his news
7 conference -- he said we are still looking at this question,
8 but it appears that there was no U.S. money transferred to
9 the contras.

10 But he hedged all his statements with all kinds of
11 disclaimers in terms of the level of confidence that he had.

12 Q Why then the press conference if at that point he
13 didn't know if it was U.S. Government money?

14 A At that moment, the primary motivating concern
15 was not "Was this U.S. money that was illegally diverted?"
16 That is something we still haven't -- I still haven't come
17 to rest on and the Justice Department, I don't think, has a
18 position on.

19 It was that "This is an explosive element of
20 all this, something new, something very, very politically
21 sensitive, assistance to the contras."

22 We had all been acquainted with the argument that is
23 raging now between the Congress and the President as it
24 has for years regarding that policy and it just seemed very
25 explosive.

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218

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1 Whether it was legal or not, I mean even if nobody
2 would ever have remotely questioned the notion that this ~~man~~
3 money belonged to Israel for them to do what they wanted to
4 do, we still recognized that this had the potential of doing
5 exactly what it did do.

6 Q I was going to say --

7 A If there is any -- if there was any doubt in
8 our minds about it, it was erased completely Tuesday at
9 around 1:00 o'clock.

10 Q. Just one last question from me, and I am sure
11 Dick can explore this further tomorrow, but you indicated
12 that it was your collective judgment, you and I guess Brad
13 Reynolds and others who had interviewed North, other than
14 the Attorney General, John Richardson, yes, that the
15 President should make this disclosure.

16 Was any attempt made to have the President make
17 this disclosure rather than the Attorney General?

18 A When I say the President, I mean the
19 Administration. I did not mean to suggest there that he
20 personally should go before the cameras and make known
21 details, but that this is something that had to be perceived
22 as coming from the Administration as a fact, as an element
23 of this whole controversy which was already quite hot, but
24 that element of it had to be something that was made known
25 by the Administration in the nature of making public its

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219

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1 discoveries about it as they happened, particularly
2 discoveries of this significance.

3 MS. BENSON: Thank you. Thank you.

4 MR. LEON: I will have stuff on that tomorrow.
5 It has been a long, long day.

6 MS. NAUGHTON: Thank you very much.

7 (Whereupon, at 6:18 p.m., the taking of the
8 deposition adjourned, to reconvene at 9:00 a.m., Tuesday,
9 June 23, 1987, at the same place.)

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Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



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PAGE 1

1 RPTS TETER

2 DCMN TETER

4 DEPOSITION OF CHARLES J. COOPER

6 Tuesday, June 23, 1987

8 U.S. House of Representatives,

9 Select Committee to Investigate Covert

10 Arms Transactions with Iran,

11 Washington, D.C.

13 The Committee met, pursuant to call, at 9:10 a.m., in

14 Room B-352, Rayburn House Office Building, with Pam

15 Naughton, (Staff Counsel of House Select Committee)

16 presiding.

17 Present: On behalf of the House Select Committee:

18 Pam Naughton, Staff Counsel; Richard Leon, Deputy Chief

19 Minority Counsel; and Tina Westby, Associate Staff.

20 On behalf of the Senate Select Committee: Richard

21 Parry, Associate Counsel.

22 On behalf of the Witness: John R. Bolton, Assistant

23 Attorney General, Department of Justice; and Thomas M. Boyd,

24 Deputy Assistant Attorney General, Department of Justice.

25 MS. NAUGHTON: We're back on the record for the

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R174002

PAGE 2

26 second day of deposition for Charles Cooper. The date is
27 June 23rd, 1987.

28 If the people around the room could please
29 introduce themselves.

30 My name is Pamela Naughton; I'm Staff Counsel to
31 the House Select Committee to Investigate Covert Arms
32 Transactions with Iran.

33 MR. LEON: Richard Leon, Deputy Chief Minority
34 Counsel, House Committee on Iran.

35 MR. PARRY: Richard Parry, Associate Counsel
36 with the Senate Select Committee on Iran.

37 MR. BOLTON: John Bolton, Assistant Attorney
38 General for Legislative Affairs.

39 MR. COOPER: Charles J. Cooper, Assistant
40 Attorney General for the Office of Legal Counsel, and your
41 faithful deponent.

42 MS. NAUGHTON: Okay, Mr. Cooper, you were sworn
43 under oath yesterday, and, of course, the oath stands.

44 MR. COOPER: Of course.
45 Whereupon,

46 CHARLES J. COOPER
47 was called as a witness and, having been previously duly
48 sworn, was examined and testified further as follows:

49 THE WITNESS: Before you begin--

50 MS. NAUGHTON: Sure.

UNCLASSIFIED

NAME: HIR174002

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PAGE 3

51 THE WITNESS: --continue with your questioning, I
52 want to make note on the record that I brought with me today
53 the chronologies that we discussed yesterday and that were
54 declassified by the White House yesterday.

55 If appropriate, I will identify them for the
56 record.

57 We have--that is, my assistant, Nelson Lund, has
58 examined our files at Justice and discerned that these are
59 all of the different copies of chronologies that we have in
60 those files, and he's marked them OLC 1 through OLC 10.

61 OLC 1 is the date chronology, and it appears to
62 be the one from which I worked because I recognize my
63 handwriting on a couple of very minor interlineations.

64 OLC 2 is a chronology that is--that is marked
65 11/20/86 1300 in the righthand corner, and that is the
66 identifying legend the MSC put on it. It also appears to
67 be the copy from which I worked--in fact, I can assert with
68 certainty that it is the copy from which I worked because it
69 does have my interlineations on it, particularly on page 6
70 wherein the November Hawk episode is described.

71 This is the document which was my dominant
72 working document, the version of the chronology of the
73 various versions that we received from the MSC. This is the
74 one that I used in my work during that weekend.

75 MS. NAUGHTON: However, it's dated 11/20.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 4

76 THE WITNESS: Right.

77 MS. NAUGHTON: Does that mean that is not the

78 one you got on the 17th of November?

79 THE WITNESS: Yes, I think that is what that

80 means.

81 OLC 3 is a document that is not from MSC, but

82 rather is a chronology that John McGinnis did independently,

83 and I don't know why it's in here, but here it is. That was

84 not among the documents I requested, but certainly it's

85 among those that I'm happy to provide you with.

86 OLC 4 is another of the three-page date

87 chronologies and it doesn't appear to bear any

88 interlineations that would identify it as belonging to any

89 particular person.

90 OLC 5 is another date chronology, three pages.

91 MR. LEON: What's the date on that one, Chuck?

92 THE WITNESS: November 20th, 1986, and that is

93 also the date on OLC 4.

94 OLC 6 is another date chronology and it bears

95 the date 11/20/86 1930. And I can provide no other

96 information about it.

97 OLC 7 is a copy of the long narrative chronology

98 which is dated 11/20/86 2000 hours. I do not immediately

99 see any marginalia that would identify this as being any

100 particular person's copy.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 5

101 MS. NAUGHTON: So, Mr. Cooper, although you may
102 have seen this, this was not your primary working document?

103 THE WITNESS: That is absolutely right. I am
104 sure I saw all of the different versions, at least to lay
105 eyes on and know that there was a different version, but
106 never did I closely study, let alone compare these various
107 versions, except for the one that I've identified as my
108 working operating document. And that one, I only studied
109 closely with respect to the prefinding events, which was the
110 dominant, almost entire focus of my own concerns at that
111 time.

112 MS. NAUGHTON: When you say "'that one,'" you're
113 referring to the 11/20 1300?

114 THE WITNESS: Yes.

115 MS. NAUGHTON: OLC number 2.

116 THE WITNESS: Yes. The one that has my
117 marginalia, and yes, I think that's the one that is OLC 2.

118 OLC 8 is--is a chronology that has a--well, first
119 of all, the second page of OLC 8 identifies this as a long
120 narrative chronology marked 11/17/86 2000 hours, and it has
121 marginalia in it, but it is not marginalia that--or it is
122 marginalia that it had on it when we received it. This is
123 not--these marks are not the marks that anyone in the Office
124 of Legal Counsel put on it, to my knowledge.

125 It also--the first page of this document is a

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 6

126 document that I don't readily recognize.

127 MS. NAUGHTON: Mr. Cooper, do you know when you
128 received this one? It's dated the 17th.

129 THE WITNESS: Right, and the best recollection
130 and estimate that I, combined with John McGinnis, can give
131 you is that we got that on the 17th sometime, but we
132 obviously didn't get it before the 17th, and it's possible
133 that we got it on the 18th, but our best guess is we got it
134 on the 17th.

135 OLC 9 is a--OLC 9 is barely visible here so I
136 will improve it by marking it myself--OLC 9 is a narrative
137 chronology dated 11/20/86 1300, and this document bears the
138 interlineations and markings of my assistant, John McGinnis.

139 So it appears that this was his dominant working
140 version, as well.

141 MS. NAUGHTON: Do you recall, Mr. Cooper, if you
142 had studied this document?

143 THE WITNESS: I had studied my copy of that
144 document, yes, but I don't--that was not my working version
145 of it. That was John McGinnis' working version of it, his
146 personal copy. I have a copy of his with his
147 interlineations, but my dominant working copy is the one
148 that I've previously identified.

149 MS. NAUGHTON: Do you know if you have a copy or
150 your copy of this, as opposed to Mr. McGinnis'?

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 7

151 THE WITNESS: Yes, I do, and it was my copy that
152 that was--

153 MR. LEON: Number 2.

154 THE WITNESS: Yes, it is from my copy that the
155 copy I just gave you was taken.

156 MS. NAUGHTON: All right. So number 2 and
157 number 9 are the same chronology, although number 9 is Mr.
158 McGinnis'?

159 THE WITNESS: Yes, that's right.

160 In other words, they are the same version of the
161 MSC--of the many versions of the MSC chronology. They are
162 the same version.

163 OLC 10 is a document that I also don't readily
164 recognize, but it is headed 'Subject: Background and
165 Chronology of Special Project.' So--and I cannot--it also
166 has Ollie North, his name, in somebody's handwriting in the
167 righthand--

168 MR. LEON: It looks like--that's
169 Poindexter--Poindexter's initials.

170 THE WITNESS: And it has beneath that the
171 initials JP. Now, I do not recognize this document.

172 MR. LEON: It's dated what?

173 THE WITNESS: I don't see a date on it, other
174 than the declassification date here in the left--lower
175 lefthand corner. It's a three-page document and Nelson Lund

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UNCLASSIFIED

NAME: HIR174002

PAGE 8

176 | apparently found it in our files. I don't know where it
177 | came from and I do not readily recognize it.

178 | MS. NAUGHTON: For the record, Mr. Cooper, that
179 | was already placed into evidence by us yesterday.

180 | THE WITNESS: Okay, that's already been
181 | identified as an exhibit.

182 | MS. NAUGHTON: Yes, and at the time, you did
183 | not, as I recall, you did not recall having seen it before.

184 | MR. LEON: Exhibit 3.

185 | MS. NAUGHTON: It makes reference to--on the
186 | second page, in November 1985, as the next step in the
187 | operation, the MSC arranged for Israel to send 18 Hawk
188 | missiles to Iran.

189 | Do you know when you received this document?

190 | THE WITNESS: No, I don't. My best guess for
191 | you is that that document was among the documents that were
192 | obtained as a result of the review of John Richardson and
193 | Brad Reynolds. I do not remember ever having seen the
194 | document, let alone receiving it from any source.

195 | MS. NAUGHTON: So, would it be fair to say that
196 | you did not see this document until after the Attorney
197 | General's press conference?

198 | THE WITNESS: That's entirely possible. I mean,
199 | assuming that I had seen it. This emerged--I take it that
200 | this emerged from our files, but I do not readily recognize

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 9

201 this document.

202 MS. NAUGHTON: Would it be fair to say that had
203 you received it around November 17th or November 20th, the
204 reference to the MSC arranging for the Hawk shipment to
205 Israel would have caught your eye?

206 THE WITNESS: Yes, it would be more than fair to
207 say yes. That would have caught my eye and that document
208 would have been a document of major, major significance to
209 me.

210 MS. NAUGHTON: Very good. thank you.

211 If I could have the reporter, at the end of the
212 deposition or during a break, mark these exhibits next in
213 order--I believe we left off with Exhibit CJC Number 22. So
214 these should be 23 through 33, I believe, or 32.

215 THE WITNESS: Also, before we resume the
216 questions and answers, I would like to share with you the
217 fruits of some additional reflection and minor research that
218 I did last night upon thinking of some rough spots in the
219 testimony yesterday.

220 I think--it was certainly helpful to me and I
221 think it'll also be helpful to your understanding, as well.

222 First, I recall testimony yesterday dealing with
223 my trip and my conversations that immediately preceded my
224 visit to the CIA on Friday morning, in anticipation of Mr.
225 Casey's testimony. The thing that inspired me to reflect on

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 10

226 | this was your showing me a copy of what I understood
227 | yesterday to be Director Casey's testimony to the NPSCI and
228 | the Senate Committee on Intelligence.

229 | And it would probably be helpful to me if we
230 | could dig out that document, although I dug out my own copy
231 | last night and I looked at it again and further reflected
232 | upon it.

233 | And in just a moment, I will get to the--I will
234 | get to the pertinent references in that document because I
235 | do not believe that is, indeed--at least that the exhibit
236 | number--

237 | MS. NAUGHTON: We have Exhibits numbers 13 and
238 | 14 you identified as drafts of Mr. Casey's testimony.

239 | THE WITNESS: Okay, yes, and the one that is
240 | identified as Exhibit Number 13 was the draft that was under
241 | discussion in the meeting in Poindexter's office on Thursday
242 | afternoon, and that continues to be my recollection.

243 | The one that is marked as Exhibit Number 14,
244 | yesterday when I reviewed it, I focused particularly my
245 | attention on the passage dealing with the November episode
246 | and I don't know whether I identified it as the version that
247 | was the final version that we were dealing with on Friday
248 | morning in Casey's office, or whether I didn't quarrel with
249 | that proposition, but whatever it was, I do know that in my
250 | mind, I accepted the fact that this was the final version.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 11

251 and I do not believe it is. I am confident that it is not,
252 in fact.

253 . So--

254 . MS. NAUGHTON: Had you see this draft before?

255 . THE WITNESS: Yes, I had, yes, I had. I had
256 seen this draft before. I have a copy of this draft and I
257 have a copy of Exhibit Number 14. What I do not have a copy
258 of, and what it appears you may not have a copy of is the
259 version from which we were working on Friday morning, which
260 did not contain two very important references, and which
261 caused me to have consternation yesterday that I had
262 simply--you will recall, when you asked me quite
263 perceptively, why I did not recognize the significance of
264 what Mr. Jameson told me about the pilot possibly knowing
265 that there was an oil drilling equipment for the statements
266 made in this version. The statements are, 'this little
267 air'--excuse me. The statement's, 'neither the airline nor
268 the CIA knew the cargo consisted of 18 Hawk missiles.'

269 . There is, subsequent to that, another statement--

270 . MR. LEON: Where are you reading from, Mr.
271 Cooper?

272 . THE WITNESS: I'm reading from page 2 of that
273 document, which is also identified as page N10008.

274 . MR. LEON: The first paragraph?

275 . THE WITNESS: Yes, it's the first paragraph, and

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 12

276 evidently the only--or the principal paragraph that deals
277 with CIA's state of knowledge regarding these Hawks.

278 . Later in that paragraph, there's also the
279 statement, "To the best of our knowledge, neither the
280 Israelis nor the Iranians knew that they were dealing with
281 the CIA proprietary, not did airline personnel know what
282 they were carrying."

283 . Well, as you noted yesterday, and as I did not
284 immediately--and as I basically accepted, that was in--these
285 statements would not be entirely consistent with what
286 Jameson told me. And I simply--I had no explanation other
287 than I didn't make the connection, I suspected, or I guess I
288 just didn't make the connection.

289 . Well, upon the reflection of it, I came to the
290 conclusion that these statements were not in the version
291 that I was dealing with as the final version out there in
292 Langley on Friday morning. And another thing that suggested
293 to me that this was not the final version is that a sentence
294 that I very vividly recall suggesting be placed in the
295 testimony, and this was among the minor revisions that I
296 identified as having been made right up until the very end.
297 I identified this yesterday.

298 . A sentence that I advocated being inserted, and
299 which was, was a sentence to the effect that the Senate
300 committee should basically understand that these are the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 13

301 best facts that we have, based upon the information that
302 we've been able to gather thus far. But our efforts
303 continue and as facts that are relevant to this come to the
304 fore, those facts, of course, will be made known.

305 Now, that sentence nowhere appears in this
306 version and no such suggestion appears in this version.

307 Now, upon my reflection on these points last night, I called
308 George Jameson and his recollection was precisely as mine.

309 He also told me that he needs know nothing further than that
310 this document is dated 20 November '86 2000 hours to know
311 that was not the final--that was 8:00 Friday night, and my
312 conversation that I previously testified to with
313 Doherty--excuse me, 8:00 Thursday night in my conversation on
314 Thursday night with Doherty, came fully, he says, four hours
315 after that. He says I called him at midnight. I didn't
316 think it was that late, but it is entirely possible that it
317 was and he advised me that he had taken out completely the
318 sentence "'no one in the United States Government.'"

319 He also remembered, and I now recall very
320 confidently that this is correct, that the reason he took
321 that out, as he explained to me that Thursday night, was
322 that the sentence said, "'Nobody in the USG found out that
323 there were Mawks until January.'" Until January.

324 MS. NAUGHTON: Uh-huh.

325 THE WITNESS: And putting to the side, you know,

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 14

326 who knew what there at the time it happened, he knew, from
327 Stan Sporkin, that Sporkin knew there was something other
328 than oil drilling equipment and something that was arms,
329 though he may not have known they were Hawks, prior to
330 January, and in fact, within a few days at the maximum of
331 the time that the--that the shipment actually took place.

332 . So he knew that was inaccurate, even though he
333 didn't have the same basis for knowing that it was
334 inaccurate that I did. He also advises me that I did not
335 tell him why I thought it was inaccurate, just that I had
336 information that it was inaccurate, and he also tells me
337 that it's his firm recollection that I did not, the
338 following day when I was with Casey and the others, explain
339 what the basis for my concern about its accuracy was, just
340 that we had received evidence that it was inaccurate.

341 . I am perfectly--I mean, I defer to his memory on
342 that. His is firm; mine is not firm at all. I just don't
343 recall whether I outlined why.

344 . MS. NAUGHTON: Since we're on the subject--

345 . THE WITNESS: Yeah.

346 . MS. NAUGHTON: --if I can show you another draft
347 now of what we believe is the testimony. I would like to
348 have that marked at this time--I think it would be CJC 33.

349 . [The following document was marked as Exhibit
350 CJC 33 for identification:]

UNCLASSIFIED

NAME: HIR174002

PAGE 15

UNCLASSIFIED

351 . EXAMINATION ON BEHALF OF THE HOUSE SELECT
352 COMMITTEE

353 . BY MS. NAUGHTON:

354 . Q You'll notice--first of all, I'm showing you
355 what's been marked as CJC 33, which is an undated document,
356 entitled "'Presidential Finding,'" and it begins by saying,
357 "'Let me begin by stating the obvious.'"

358 . A Uh-huh.

359 . Q The House Intelligence number on the document is
360 330085.

361 . A This appears to be a statement made--drafted for
362 a person to say, and it has the form of Mr. Casey's draft
363 testimony as given.

364 . A That certainly would appear to be correct.

365 . Q I'd like to direct your attention to page 3, in
366 which it begins by saying "'chronology.'" And it says, "'In
367 late November 1985, the NSC asked the CIA for the name of a
368 discreet, reliable airline which could assist the Israelis
369 in transporting a planeload of Israeli Hawk missiles to
370 Iran. The name of our proprietary airline was given to the
371 NSC, which, in turn, passed it to one of the intermediaries
372 dealing with the Iranians.'"

373 . In other words, there's no reference to oil-
374 drilling equipment or bulky cargo. The paragraph--

375 . A Uh-huh.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 16

376 Q --states it was Hawk missiles and that the NSCS,
377 the CIA to provide the name of an airline to transport Hawk
378 missiles.

379 Do you recall having seen this draft?

380 A No, I do not.

381 Q Is there any--

382 A This is not among the drafts that I have pored
383 over during that period of time, or at least, it's certainly
384 not one wherein this statement was made.

385 Q Is there any way you can tell from your
386 insertions during any of the drafting sessions or any
387 insertions you know were made that you could date this
388 document? In other words, whether it was generated before
389 the drafts you have just discussed or after?

390 A I think to give you an answer that is useful to
391 you, I'd really have to read this document because I do not
392 recognize this document. I do not think I have ever read
393 this document before. I know I have never read the passage
394 you just directed my attention to before.

395 Q That's fine; I won't put you on the spot, Mr.
396 Cooper. What I'd like to do, then, is provide you a copy of
397 all the exhibits at your deposition so you can go over them
398 in preparation for your public testimony and maybe get a
399 better chance to look through some of these drafts so that
400 you're more certain.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 17

401 . A Well, I'm happy to do that, but I don't--let me
402 just make clear, I don't have any wont of certainty
403 regarding my acquaintance with this paragraph that you've
404 just directed my attention to and this was not among the
405 chronologies that I am familiar with or that I pored over in
406 an effort to make them accurate.

407 Q All right. Had you seen this draft, would this
408 paragraph have alerted your attention?

409 A Oh, my goodness, yes. This was obviously the
410 uppermost concern in my mind at the time. The dispute or
411 the discrepancy that had surfaced concerned who knew what
412 was on that plane, particularly with respect to Hawk
413 missiles. And this further corroborates the State
414 Department version that somebody in the USG at very high
415 levels knew that there were Hawks on it, but this is my
416 first acquaintance with this document, or at least this
417 paragraph.

418 But before we move on any further, let me close
419 the loop on the point I was making about the version that we
420 discussed yesterday, that is, CJC Number 14. I asked Dave,
421 and I talked to him last night, as well as George Jameson,
422 if they could consult their own documents because this is
423 the best version I have. This is the latest version I have
424 and where I got it, I can't tell you, but I asked them if
425 they could consult their own files to see if they have the

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 18

426 later version. They both agreed entirely with me that this
427 is not the version we were working off of and that the
428 version we were working off of did not contain these
429 references that I've already identified regarding the state
430 of the knowledge of airline personnel.

431 . Dave, in the time that was available to him, has
432 not identified anything that he understands to be the final
433 Casey testimony from which Casey read, but he did have a
434 transcript of Casey's testimony and he read the pertinent
435 paragraph to me, and it is consistent with my recollection
436 and his and George's that, indeed, the phrases that I've
437 identified were not testified by Casey.

438 . It also--that transcript also reflects that--at
439 the end of his testimony, he made essentially the disclaimer
440 that I thought should be made regarding the state of our
441 knowledge and the continuing efforts to improve the state of
442 our knowledge.

443 . So I just--I thought it important to try to
444 smooth out that rough spot in my own recollection yesterday
445 and in the transcript.

446 . There is one other thing that I tried to smooth
447 out in my own mind last night, and that dealt with this
448 Furmark subject matter that we discussed yesterday. I--we
449 had some conversation back and forth about when it might
450 have been that the Attorney General discussed the Furmark

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 19

451 memorandum or the Furmark episode with Casey.

452 . I have consulted the cover memo and my
453 recollection was accurate. It does reference that they had
454 discussed it prior to the--the cover memo dated November 25th
455 references a prior conversation, though that conversation--I
456 mean one would infer that that conversation took place that
457 morning, which is entirely possible, or at least, the
458 promise by Casey to provide the documents took place that
459 morning.

460 . I reviewed Mr. Meese's transcript on the
461 Tower--to the Tower Board and his testimony there was that he
462 and Casey--that Casey brought up the Furmark business on
463 Saturday night when he went by his house, so they--he did
464 have conversation with Casey about the Furmark angle on all
465 this, evidently Saturday night, and so, therefore, I think
466 we can conclude--I conclude that it was entirely possible
467 that the conversation I referenced yesterday, and of which I
468 had then and do now a general recollection of having
469 participated in with the AG, could have happened as early as
470 Sunday, whatever Sunday was, the 23rd, but I am very
471 doubtful that it did happen on Sunday. I just don't think
472 we got around to--I do not recall that having happened in
473 what I can remember from the Sunday sequence of events, but
474 I think it probably didn't happen too much after that--too
475 long after that.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 20

476 . So that is by way of improving your
477 understanding of the matters that I discussed yesterday, as
478 well as improving my own recollection of those matters.
479 . Q Okay, Thank you. I appreciate the clarification
480 and might I say we appreciate you getting those documents
481 cleared for us so quickly at the White House.
482 . A And I will return to you now these exhibits.
483 . Q These are 14 and 33.
484 . Okay, I think when we last left you, we were on
485 Monday, the 24th of November 1986. You had described
486 earlier your visit to the State Department to retrieve Mr.
487 Hill's notes which you eventually did get that morning, I
488 understand.
489 . A That's my recollection.
490 . Q Okay.
491 . That morning, then, I believe your chronology
492 shows that between the hours of 10:00 a.m. and 11:30 a.m.,
493 the Attorney General met with Mr. McFarlane, the Vice
494 President, Ronald Reagan, John Poindexter and the President.
495 Were you present for those meetings?
496 . A No. On Monday, I was not. In fact, while he
497 was meeting with McFarlane, I was at the State Department,
498 meeting with Abe and--Abe Sofaer and Mr. Hill. I did not
499 attend any of the other meetings that are referenced here
500 with the President, Reagan or with Poindexter and the Vice

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 21

501 President.

502 Q Is there any reason you're aware of that the
503 Attorney General went alone to, I assume, ask these people
504 about the diversion?

505 A No, there's no--I mean, I don't know of any
506 ~~conscious~~ ^{conscious} reason. Certainly it's nothing we discussed.

507 No.

508 Q Do you ^{KNOW} whether or not the Attorney General took
509 any notes of those meetings?

510 A I am not aware of any notes. I have not seen
511 any notes.

512 Q After these meetings, did he tell you what had
513 occurred?

514 A Yes, he did. Now, when you say "'after,'" I
515 cannot identify with any specificity precisely when after,
516 but yes, he did advise me and others on the information that
517 he had obtained, not long thereafter, certainly.

518 Q Let's start with Mr. McFarlane. What did the
519 Attorney General tell you Mr. McFarlane had told him?

520 A That McFarlane had, indeed, been acquainted with
521 the contra element of this by North.

522 Q Did he say when he was informed of the
523 diversion?

524 A Yes. McFarlane, it is my understanding, advised
525 the Attorney General that he was informed when he came back

UNCLASSIFIED

NAME: HIR174002

PAGE 22

UNCLASSIFIED

526 into this project in May or April, or whenever it was, for
527 the personal Tehran mission he performed.

528 Q Did Mr. McFarlane tell the Attorney General why
529 he did not tell you that on Friday afternoon when you both
530 interviewed him?

531 A I do not recall, no.

532 MR. LEON: Do you know if he asked why he didn't
533 tell us? Do you know if the AG asked?

534 THE WITNESS: I don't know if he asked or not.

535 MR. LEON: He might not have?

536 THE WITNESS: He certainly might not have.

537 BY MS. NAUGHTON:

538 Q Did Mr. McFarlane tell the Attorney General, to
539 your knowledge, that there was a possibility that Oliver
540 North or others had destroyed documents at the NSC?

541 A Not to my understanding, no.

542 Q Now, as far as--one other question.

543 Regarding the November Hawk missile shipment,
544 did McFarlane change his story on Monday, as far as you
545 know?

546 A I don't know if that's a subject matter that
547 they discussed during that meeting.

548 Q Now, as to Admiral Poindexter, what did the
549 Attorney General tell you that Admiral Poindexter had told
550 him regarding the diversion?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 23

551 . A That he, too, had been provided with information
552 that led him to conclude that this was happening, this
553 contra diversion element of it. He was cognizant of it, but
554 as I understand it, Mr. Poindexter did not put it that he
555 was advised of it or that he was consulted on it or anything
556 like that, just more in the nature of it was an activity
557 that he had reason to believe was occurring, but he just
558 more or less didn't look into it.

559 . I also recall him saying that--I also understand
560 and recall that he said to the AG that he realized he would
561 have to resign if this matter emerged.

562 . Q Was there a question at that point as to whether
563 it would emerge?

564 . A Certainly not in my mind or anyone with whom I
565 was dealing. It may have been in his, but I don't know the
566 state of his mind.

567 . Q Okay.

568 . As to the Vice President, what did the Attorney
569 General tell you he said regarding the diversion?

570 . A Before I get to that, I should note further,
571 before we switch subjects from Mr. Poindexter that Mr.
572 Poindexter did make clear to the Attorney General that this
573 is not something that he had ever advised the President of
574 and that the memorandum which contained the reference to
575 this activity that we had been--become aware of did not go to

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 24

576 the President.

577 MR. LEON: Do you know if he presented you with
578 the memo to look at?

579 THE WITNESS: I can't--I don't know the answer to
580 that.

581 MR. LEON: You don't.

582 THE WITNESS: With respect to the Vice
583 President, he just said he didn't know anything about it,
584 the contra diversion, of course, and I don't think there was
585 any more to it than that.

586 BY MS. NAUGHTON:

587 Q And what about Mr. Regan?

588 A He, too, reacted, apparently, with visible shock
589 at the news, I am given to understand, and did not know
590 anything about it.

591 Q And finally, the President, what did the
592 Attorney General tell you about his conversation with the
593 President that morning?

594 A That he had no knowledge of the contra diversion
595 and it appears that uppermost in the mind of the President,
596 as well as the Attorney General at that point, was
597 developing an orderly responsible way of making this public,
598 making this known.

599 Q Did they discuss the details of that, to your
600 knowledge?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 25

601 A Well, I don't know if they did discuss the
602 details of it. It's my understanding that they recognized
603 that they needed to--at a minimum, recognized they needed to
604 discuss the details, but I don't think at that moment--I
605 mean, the Attorney General's purpose was not to develop a
606 plan for that, but rather, to gather additional information
607 and make the important people aware of the information we
608 now were confident of.

609 So I don't know if they discussed details, but I
610 have to tell you I would doubt it and I certainly haven't
611 been told they discussed the details.

612 Q Do you know whether or not the Attorney General
613 spoke to anyone else at the White House, other than the
614 people that we have mentioned?

615 A Well, it's my recollection--I cannot supplement
616 my note with recollection to that effect, so I do not know
617 of any others.

618 Q Do you know when it was decided that Oliver
619 North would be reassigned and that John Poindexter would
620 resign?

621 A I imagine it wasn't decided until the Commander
622 in Chief decided it on Tuesday to the extent that--I assume
623 he was the one who made the decision, or at least accepted
624 the decision or the advice of others who thought that would
625 be the appropriate thing to do.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 26

626

2

So when the Attorney General--

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 27

627 DCMN STEVENS

628 . A They both were re-assigned. Neither of them--I
629 mean, they are both now still in the military, as I
630 understand it.

631 . Q What I am getting at, though, is when the Attorney
632 General arrived back, let's say around lunch time on Monday,
633 was it your understanding that this had already been decided
634 that they would be re-assigned, or was it still--the decision
635 still in the process of being made?

636 . A I don't know that a whole lot of focus had been
637 brought to bear on that question. My first recollection of
638 conversations or discussion about what would happen comes to
639 me as Tuesday morning. I can recall sitting with the AG and
640 with John Richardson wherein we discussed how that element
641 of it ought to be handled, and even discussed potential
642 resignation language for Poindexter.

643 . MR. LEON: On Monday.

644 . THE WITNESS: No, this was Tuesday morning.

645 . I don't recall--it is entirely possible some
646 discussion was devoted to that element of all this on
647 Monday, but I don't think so.

648 . Actually, I was more or less taken--I won't say by
649 surprise, but very early Tuesday morning, I was called at my
650 home by the AG on his car phone. He was on his way into the
651 office. They wanted me to be there at 7:45, or something

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 28

652 like that, some early time.

653 And by that time the wheels were already set in
654 motion for the events of Tuesday, and not until that time,
655 at least to the best of my recollection, did I understand
656 that the matter would proceed with so much expedition. I
657 knew that we had to move very quickly, and that was
658 certainly my pitch and my belief.

659 But I did not understand this would all happen on
660 Tuesday, as it did. The momentum for this obviously picked
661 up considerably when the appropriate people at the White
662 House were made aware of these facts.

663 BY MS. NAUGHTON:

664 Q At approximately two o'clock on that day, Monday,
665 November 24th, you and Mr. Reynolds met with Tom Green; is
666 that correct?

667 A That is correct.

668 MS. NAUGHTON: If I could have these marked as CJC
669 number 34.

670 [Exhibit number CJC 34 was marked for
671 identification.]

672 BY MS. NAUGHTON:

673 Q Did you take notes of that meeting?

674 A I did, and it appears that number 34 is a--

675 MS. NAUGHTON: For the record, the notes start off
676 saying "'Tom Green-11/24/86'". And this document's

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 29

677 reference number is 3114 through 3116.
678 . BY MS. NAUGHTON:
679 . Q Were these notes taken contemporaneously, Mr.
680 Cooper?
681 . A They were.
682 . Q And are they accurate as far as you can recall?
683 . A Well, I haven't reviewed them, but I certainly
684 don't know of any inaccuracies except for one, and this
685 isn't an inaccuracy so much as it is--well, it suggests
686 something that does not accord with my memory, and that is
687 the first line on this says, "'Reps N and Secord,'" that is
688 North and Secord, and what this statement therefore says is
689 represents North and Secord.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 30

690 DCMN DOMOCK

691 . My recollection is that Tom Green, after he
692 basically made a statement to this effect, or to the effect
693 that he has represented North and Secord, he then was most
694 purposeful about making clear that he was not here as a
695 legal representative of any of these men.

696 . In effect, towards the end of the conversation, I
697 thought that to the extent he represented as a lawyer any of
698 them, he probably represented Hakim, because Hakim, my
699 impression by the end of the conversation, was apparently a
700 client and it appeared to me a long-standing client of Mr.
701 Green's.

702 . So, this cryptic note really gives off an inaccurate
703 signal regarding his status as we met with him.

704 . Q What did he say that gave you the understanding
705 towards the end that he represented Albert Hakim?

706 . A Well, I can't really--he knew a lot about Hakim; he
707 knew a lot about his background, he is a very successful
708 businessman, he is an Iranian expatriate. He described
709 these things to us.

710 . And it was my impression that he had--that Hakim
711 either was a long-standing acquaintance of his,
712 without--well, actually I just perceived from all this
713 general discussion that the man was a long-standing client
714 of Green's. That may be entirely inaccurate, but that is

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 31

715 the impression that I came away from them with.

716 Q Did you still have that impression after he said

717 that it was Hakim's idea to divert money to the contras?

718 A That did not alter my impression, though, you know,

719 I--the impression that I had--well, no, I guess it just didn't

720 alter my impression that, to the extent he was representing

721 anyone, though I can't tell you that I had the impression

722 that he was there representing somebody in a legal capacity.

723 That was not my understanding. He went out of his way to

724 try to--

725 MR. LEON: Why was he there?

726 THE WITNESS: Because, as he put it, he was there to

727 share with us information that had come to him that is very

728 important, important to this Administration, important that

729 we understand ~~it~~ it correctly, rather than the way we were

730 given to understand it by North.

731 BY MS. NAUGHTON:

732 Q Was it clear to you that he had spoken to Oliver

733 North after North had been interviewed by yourself and the

734 Attorney General?

735 A Yes, it was.

736 Q Was it your understanding--strike that. Did he

737 mention to you that he had met with North on Friday,

738 November 21st?

739 A I did not understand that, no.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 32

740 . Q Did he describe any meeting with Fawn Hall on that
741 day, or any other day?

742 . A No, he certainly didn't describe that.

743 . Q Did he mention Fawn Hall in any way?

744 . A The name Fawn Hall, I don't think I had ever heard
745 that name until I read it in the newspapers, and that was
746 considerably after this meeting with Mr. Green, so the
747 answer to that is no, he did not mention her name.

748 . Q Can you give us just a general sense of what his
749 pitch was, what his point was in coming to speak with you
750 and Mr. Reynolds?

751 . A Well, yes, I will give you a general sense, and
752 however preface it by saying as with the other interviews
753 that I have participated in, my notes are generally the most
754 complete and accurate statement that I can offer to you.

755 . The general sense was that Secord--excuse me, that
756 Mr. Green wanted to provide us with a different
757 understanding of the contra element of all this than the one
758 we received from North.

759 . He prefaced it by saying North is the kind of
760 fellow, you know, the diehard Marine, who wants to step
761 forward and take all the spears in his own chest. And I
762 think that was the allusion that he used.

763 . And he seemed to me to have two purposes along in
764 that vein. One was to provide a different set of facts that

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 33

765 led to the contra diversion, one which involved Mr. Hakim as
766 being the origin of the idea; and the other was to convince
767 us that there was nothing illegal about it, that this was
768 not money that belonged to the United States that was being
769 sent to the contras, and that if this matter became public,
770 that the consequences apparently would be extraordinary for
771 certain individuals who would die.

772 . I got the impression from him that there would be
773 people in Iran particularly who were allied with the United
774 States in this who were the moderates, and our contacts, who
775 would die; also that some of the hostages would be at risk
776 with their lives.

777 . So, that is my best recollection for the essential
778 points and the flavor of that meeting.

779 . Q Did you have a response to his argument that this
780 should not become public?

781 . A No. Mr. Reynolds and I--I said very little. Mr.
782 Reynolds also said very little. Mr. Green just kind of spun
783 out this explanation and these points, and that was about
784 it.

785 . I do recall that there was some conversation between
786 Green and Brad Reynolds towards the end to the effect that
787 if this matter was to be made public, that Brad would do him
788 the courtesy of giving him a head's-up. I don't remember
789 the language that was used, but that was the general--my

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 34

790 sense of the exchange.

791 . And Brad--my recollection is that Brad said he was
792 happy to do that. Brad and Mr. Green had litigated with
793 each other in private practice, and they were on the most
794 courteous professional, friendly terms.

795 . So, that was about the end of it.

796 . Q Well, did Mr. Green ask for immunity for anyone?

797 . A No, he didn't.

798 . Q Did Mr. Green discuss with you the advisability of
799 asking for Independent Counsel; in other words, did he argue
800 for or against it, or did the subject come up?

801 . A Well, I certainly don't recall any such subject
802 matter being discussed. And if there is no reference to it
803 in my notes, I would conclude with confidence that it wasn't
804 discussed.

805 . Q On December 1st, 1986, Mr. Reynolds met again with
806 Mr. Green and Mr. William Hendricks. Were you aware of that
807 meeting?

808 . A I am certainly aware of it now. Whether I was aware
809 of it contemporaneously, I just don't recall. It is
810 entirely possible that I was.

811 . Q Is there any reason that you know of that you were
812 not in attendance or invited to that meeting?

813 . A No, none that I know of. It may well be that I had
814 other things that I was attending to, and there was no

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 35

815 necessity for me to be there, although actually it strikes
816 me that by then--I don't recall when that meeting took place,
817 but I--as you asked me about this, it--I am beginning to
818 recall that it almost certainly took place after this matter
819 had been transferred to the Criminal Division of the FBI for
820 criminal investigation.

821 . And so, I didn't participate--if that is true, then
822 the answer with regard to why I wasn't there seems to me to
823 be pretty obvious.

824 . Q Given what you just said, then what was the reason
825 for having Mr. Reynolds at the meeting on December 1st,
826 1986?

827 . A Okay, well, if this meeting took place on--I guess it
828 was because Green wanted to meet with Reynolds.

829 . Q Were you--

830 . A Reynolds was--Green knew Reynolds, had a previous
831 relationship with Reynolds, and presented himself to us, or
832 at least to Brad, and as I understand it from Brad,
833 previously as somebody who was--would like to try to be
834 useful and helpful to us in our effort here.

835 . And it was on those terms and on that basis that the
836 decision was made to hear him out. But I can't tell what
837 the background was for the second meeting. If it was along
838 the same lines, I guess it is just that he wanted to talk to
839 Brad, but I don't know.

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 36

840 Q Are you aware of any discussion as to whether it was
841 advisable or anyone had raised any questions about Mr.
842 Reynolds meeting with Mr. Green at this time, on December
843 1st, 1986?

844 A No. I mean, it may have happened, but I don't
845 recall having participated in any such discussion.

846 Q Now, as we discussed yesterday, Mr. McGinnis told
847 you, and you testified he recalled on Monday, and you were
848 willing to take his representation, that there had been a
849 rumor at the CIA that he picked up on Monday morning, the
850 24th of November regarding the possibility that some of the
851 money for the Iranian arms sale had been diverted to the
852 contras.

853 Do you recall that?

854 A Um-hum.

855 Q All right. Do you know whether or not you passed
856 this information on to the Attorney General?

857 A I can't specifically remember having done so, but I
858 have no reason to think that I didn't.

859 Again, I don't have a specific recollection of
860 having sat down and purposefully done this, but it is among
861 the kind of things that would naturally have been introduced
862 in our conversations.

863 Q Okay.

864 Now, later, at some point on the 24th of November,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 37

865 | you received a call from Mr. Casey?

866 | . A I received the call, and my chronology places the

867 | best understanding and recollection that I/or/and John

868 | McGinnis have of going, that took place. It says the

869 | 24th--my chronology says that, to my best recollection.

870 | . Q There was some confusion on that.

871 | . A Yeah. Yes, I see it is in my Tuesday entry, and my

872 | note is--excuse me. At some point Tuesday evening, I think

873 | may have been Monday, Casey called me to ask if I have

874 | ever--excuse me, "'Lakeside Resources'" in our inquiry. I

875 | said I vaguely recalled some such reference.

876 | . Q Was Mr. McGinnis present?

877 | . A Yes. That is my recollection.

878 | . Q Anyone else in your office?

879 | . A I don't think so, although it is possible that there

880 | was, because I remember, I do remember putting the phone

881 | down and saying to whoever it was that was in the room, and

882 | that was at least John McGinnis, that I just had the oddest

883 | phone call from Casey or something to that effect.

884 | . And then I asked John if he can recall a Lakeside

885 | Resources. We know now that we are talking about Lake

886 | Resources, but my best recollection then and now is that he

887 | said Lakeside Resources.

888 | . Q How did he preface this inquiry; in other words, did

889 | he say he had learned of this name, or--

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 38

890 . A He didn't preface it at all, and that is another
891 thing that added to the oddity, I think, of the
892 conversation. He just basically asked me, without preface,
893 if in our research on all this, we had come across Lakeside
894 Resources.

895 . And it took me by surprise. I mean, the fact is, I
896 could not specifically recall any such reference, but it
897 seemed to me that that was vaguely familiar for some reason.
898 And I can recall McGinnis what he remembered, if anything,
899 about Lakeside Resources, and asking him to run a NEXIS
900 check on Lakeside Resources.

901 . That was about the same time that we either had or
902 were in the process of running a NEXIS check on Secord, to
903 find out something about him.

904 . Q Do you recall, was this before or after you had
905 spoken with Tom Green?

906 . A I really can't place it any better by reference to
907 the Tom Green meeting.

908 . Q Let me ask you--

909 . A I have it here, it was definitely in the evening, it
910 was in the evening, so if my meeting with Brad and
911 Green--what do I have there--

912 . MR. LEON: 2:00, I believe, 2 to 3:45 on Monday.

913 . THE WITNESS: Yes. In terms of when, I do not
914 recall better than it was Tuesday or Monday. I still think

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 39

915 it was probably Tuesday. The reference to Tom Green doesn't
916 improve my memory on that, although I do know it was in the
917 evening that I spoke to Casey, so whether it was on Monday
918 or Tuesday, it was Monday or Tuesday evening.

919 . BY MS. NAUGHTON:

920 . Q Do you recall Mr. Green making any references to
921 Lake Resources or Lakeside Resources?

922 . A I don't. I don't.

923 . MS. NAUGHTON: If I could have this marked, please,
924 as CJC Number 35.

925 . [Exhibit number CJC 35 was marked for
926 identification.]

927 . THE WITNESS: I recall, however, Green making
928 reference to Hakim's financial network, but I don't recall
929 him making--and of course, now I know that Lake Resources
930 plugs into that somehow, I take it, but I do not recall him
931 having mentioned Lake Resources or Lakeside Resources.

932 . BY MS. NAUGHTON:

933 . Q Showing you Exhibit Number 35, which is a one-page
934 handwritten document numbered 3057, starting with AECA may
935 be inapplicable. Are these your notes, Mr. Cooper?

936 . A Yes, they are.

937 . Q Do you recall when you wrote these notes?

938 . A Not immediately. Let me read this note a little
939 further, I may have a better answer for you.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 40

940 . MR. BOLTON: Are we finished with 34?

941 . THE WITNESS: Yes.

942 . I have read the note, and it really doesn't help me
943 with any real specificity in terms of identifying when I
944 wrote this note. The note deals with a legal issue that
945 related to the pre-finding, September and November
946 shipments, and it reflects, I think, a relatively advanced
947 state of my thinking and John McGinnis' thinking on this.

948 . So, simply by virtue of that fact, I would have^{to} say
949 that--well, it is really very hard for me to time this. I
950 would suspect the timing of it was probably after the
951 weekend investigation, but I can't say that with confidence.

952 . BY MS. MAUGHTON:

953 . Q Would it be before the Attorney General's press
954 conference on the 25th?

955 . A It seems to me doubtful, but it is certainly
956 possible. You see, this does not deal with any of the legal
957 issues that would arise by virtue of the contra diversion.
958 And in fact, our legal analyses that you have been provided
959 so far have dealt with pre-January legal issues, as does
960 this one.

961 . So, the element of the contra diversion doesn't
962 really help to date this.

963 . Q How about the underlined portion, in which you refer
964 to an OLC memo regarding destabilization?

UNCLASSIFIED

NAME: N1R174002

UNCLASSIFIED

PAGE 41

965 . A Yeah, I don't know what that refers to, to tell you
966 the truth.

967 . MR. BOLTON: OLC before it began?

968 . THE WITNESS: You can strike that if possible. This
969 guy is my representative?

970 . However, I can tell you what I suspect it is, and I
971 will bet you that John McGinnis knows what it is.

972 . MR. LEON: Is that your underscoring?

973 . THE WITNESS: No, the memo read destabilization. Is
974 that my underscoring? Probably, yeah. No, I think I am
975 confident that it was mine.

976 . There is a memo in the Office of Legal Counsel,
977 authored by Griffin Bell, in which he acknowledges the
978 legitimacy of the concept of an oral finding. He says that
979 he thinks that there is nothing in the statute to insist on
980 a written finding.

981 . And I think in the lengthy analysis we did of this
982 very question, we cite to that Griffin Bell conclusion. And
983 that memo may well regard destabilization, whatever that is,
984 but that is the best suspicion that I had at the moment.

985 . BY MS. NAUGHTON:

986 . Q If I can expound that on the first paragraph, which
987 says that the Arms Export Control Act may be inapplicable to
988 the September 1985 and October 1986 transfers from Israel to
989 Iran, basically Israel is simply a conduit and the U.S.

UNCLASSIFIED

NAME: HIR174002

PAGE 42

UNCLASSIFIED

990 | sells to Iran.

991 | . A Exactly.

992 | . Q Would that take an express--I don't want to call it a
 993 | finding, but an expressed assertion by the President that
 994 | Iran was not a terrorist nation or provide some exemption
 995 | from the Act?

996 | . A No--well, it would take a decision by somebody with
 997 | authority to make it, and certainly that would include the
 998 | President, but it might not be exclusively the President,
 999 | but it would take a decision that under the authorities
 1000 | provided by the National Security Act, we would sell arms to
 1001 | Iran in connection with an intelligence activity.

1002 | . So, the only thing--and the second paragraph, which
 1003 | is bracketed, deals with the second concern, if that is the
 1004 | case. If, indeed, that was the case, the second concern is,
 1005 | was the CIA involved in that operation? If it was, then
 1006 | Hughes-Ryan does require a finding.

1007 | . But Hughes-Ryan, as I read and understand it, only
 1008 | requires a finding, a Presidential finding, oral or written,
 1009 | if the CIA is going to be involved in the operation; if it
 1010 | is going to be some other entity, a finding is not required.

1011 | . So, that is the dual concern, if one collapses this
 1012 | transaction and understands it as one out of the United
 1013 | States into Iran, with Israel simply being the stake-holder,
 1014 | in essence.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 43

1015 . Q Did your analysis include Executive Order 12333?

1016 . A We were certainly acquainted with it, yes, and aware

1017 of it.

1018 . Q If we can go off the record for a minute, please.

1019 . [Discussion off the record.]

1020 . MR. BOLTON: Why don't we go back off the record, if

1021 you could, and take a short break.

1022 . [Recess.]

1023 . MS. NAUGHTON: We are back on the record. Let the

1024 record reflect that Mr. Tom Boyd of the Department of

1025 Justice has joined us and substituted in as personal counsel

1026 for Mr. Cooper in place of Mr. Bolton.

1027 . BY MS. NAUGHTON:

1028 . Q Now, you stated earlier that on November 25th, which

1029 is the Tuesday in 1986, that you helped to draft, I believe,

1030 the President's statement, which was to be made later that

1031 day regarding these issues; is that correct?

1032 . A I did do that. When did I make that--I have

1033 previously said that in that deposition.

1034 . Q Well, you mentioned that at 7:45 in the morning, you

1035 were called to the White House to help draft this statement.

1036 . A Well, that is accurate, whether I mentioned it or

1037 not.

1038 . MR. LEON: Well, I think he testified that the AG

1039 called him from his ^{car phone} ~~conference~~ to be in the office at 7:45.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 44

1040 . THE WITNESS: Or something like that, he called me,
1041 he asked me to be there very quickly.

1042 . MS. MAUGHTON: I am just trying to skip ahead to the
1043 important points.

1044 . THE WITNESS: Right.

1045 . BY MS. MAUGHTON:

1046 . Q Did you take any notes of that particular session?

1047 . A No, not that I recall, although there was a document
1048 from which we were--actually, when I got there, Dennis Thomas
1049 and Peter Wallison had already worked up a draft from which
1050 they were working, and I introduced my own thoughts into
1051 that process as well, and we worked together for the next
1052 half-hour.

1053 . I am quite confident that didn't begin at 7:45;
1054 however, my notes reflect that it wasn't until about 8:15
1055 that I actually met with Wallison and Thomas. The first
1056 thing that we did when we got--

1057 . MR. LEON: Who is Thomas, just for the record?

1058 . THE WITNESS: Dennis Thomas?

1059 . MR. LEON: Yes.

1060 . THE WITNESS: He was an aide and a close and high-
1061 level aide to Don Regan, or so that is my understanding.

1062 . But the first meeting, as I say, that took place
1063 when we got to the White House was a large one among several
1064 people in Don Regan's office. I know Peter Wallison and

UNCLASSIFIED

NAME: HIR174002

PAGE 45

UNCLASSIFIED

1065 Dennis Thomas were there, but so also were several people
1066 who I did not recognize and did not know. I think David
1067 Chew, however, was among them, now that I think about it.
1068 . And that is the point when Regan proposed the review
1069 board idea, which ultimately became the Tower board. And
1070 then I then branched off over to meet with Wallison and
1071 Thomas in Wallison's office, and we did work on a draft of
1072 the President's statement.
1073 . MS. NAUGHTON: I would like to have this marked CJC
1074 36.
1075 . [Exhibit number CJC 36 was marked for
1076 identification.]
1077 . BY MS. NAUGHTON:
1078 . Q For the record, CJC 36 has no date. They appear to
1079 be your handwritten notes. Could I ask you, Mr. Cooper--
1080 . A They are?
1081 . Q Are these notes taken during that day, November
1082 25th?
1083 . A On Tuesday, yes, they are, though not in--they were
1084 not taken in the context of my meeting with Wallison and
1085 Thompson to work on the President's statement.
1086 . Q Do you recall when they were taken?
1087 . A Yes, I think they were taken--or, actually they may
1088 well reflect several different notes taken at different
1089 times, and I would like to examine the document further to

UNCLASSIFIED

NAME: HIR174002

PAGE 46

UNCLASSIFIED

1090 ascertain that, but this first one, which says,
1091 Poindexter--says 'Poin', but Poindexter should say, '--he
1092 has learned that some involved have provided money--had
1093 generated contras--doesn't know all the details, but in light
1094 of Congressional something--President needs fresh start, new
1095 policy team'--that essentially was some general ideas that
1096 we were discussing with the Attorney General, I think prior
1097 to the time we actually went to the White House, in
1098 discussing them in his office.

1099 . Q Would this have been very early in the morning?
1100 . A Oh, yeah, would have been--if my recollection is
1101 correct, it would have been quite early in the morning.
1102 . Q Could you explain what your notes mean about what
1103 Poindexter should say? I assume you are speaking about his
1104 resignation statement?

1105 . A Yes, I think that is my recollection as to what we
1106 were talking about here.

1107 . Q Okay. Could you then try to decipher your notes for
1108 us?

1109 . A I really--'He has learned that some were
1110 involved--some who were involved in this Iran business have
1111 provided money generated by the sales'--I would imagine that
1112 means to the contras. 'He doesn't know all the details,
1113 but in light of Congressional'--I should think--I really
1114 don't know what that means--'but in light of Congressional

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 47

1115 interest in this matter'' or something, I can't explain how
1116 that plugs into it. but the important point, I guess, was
1117 the next one, that ''the President needs a fresh start and a
1118 new policy team in the foreign policy area,'' and therefore
1119 Poindexter would resign.

1120 . The note then continues after some bracketed
1121 material, ''I would therefore like to be relieved of my
1122 assignment.'' So that was obviously Poindexter making
1123 public that point.

1124 . I don't really understand the remaining notes to
1125 pertain to that particular Poindexter resignation statement.
1126 P, I think P means President, because in the bracketed
1127 material, it says ''P briefed Congressional leaders first,''
1128 and certainly that was our plan, and that is exactly what
1129 happened. And then I have just got an errant P on the page,
1130 and I don't know what it refers to.

1131 . Then the phrase, ''As public discussion proceeded.''
1132 I don't know what that means. ''Inquiry continue. As soon
1133 as all facts known, will make disclosure to Congress and
1134 American public.'' I would imagine that is a reference to a
1135 point that needed to be made publicly, as well as to
1136 Congress, in connection with anything that--in connection
1137 with the facts that were about to be shared with them.

1138 . Then, finally on the page, uncovered information in
1139 course, in course of our weekend fact-finding, ''Some funds

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 48

1140 generated by these transactions were provided to the forces
1141 opposing the Sandinista regime in Nicaragua. Provide full
1142 info at earliest possible time."

1143 . This was--I do recall that the phraseology, "forces
1144 opposing the Sandinista regime in Nicaragua" was a
1145 phraseology that I think originated with me, and this was in
1146 connection with an effort to formulate exactly how it would
1147 be expressed, I think, by the President, perhaps by the AG,
1148 but probably by the President. And I think that note was
1149 taken with the AG, not with anybody else. And I have no
1150 reason to think that these notes weren't all taken with the
1151 AG.

1152 . Q Now, at some point in time that day, did you talk to
1153 Secretary Armitage at the Department of Defense?

1154 . A I talked to Armitage, it may well have been--it
1155 probably was Tuesday, and it may have been Monday, but I
1156 suspect it was Tuesday. I called him up at somebody's
1157 suggestion. I had never talked to him before in my life,
1158 and I don't remember whose suggestion it was that I talked
1159 to him, but the purpose of my inquiry was to find out
1160 something about the mechanics of Economy Act transfers, as
1161 well as something on a very quick basis about the terms on
1162 which these particular arms were transferred on that Economy
1163 Act basis.

1164 . MR. LEON: Could the General Counsel at DOD?

UNCLASSIFIED

NAME: HIR174002

PAGE 49

UNCLASSIFIED

1165 . THE WITNESS: It is entirely possible.

1166 . MR. LEON: Who was that at the time?

1167 . THE WITNESS: Larry Garrett, with whom I have a long-
1168 standing--

1169 . MR. LEON: He might have suggested it.

1170 . THE WITNESS: Yes, and if I had to guess, I would
1171 guess Larry Garrett. I talked with him and he told me to
1172 call Armitage, but it is a wild guess. I don't think I just
1173 called him because I thought, well Armitage knows about this
1174 stuff. I am sure that somebody suggested I call Armitage,
1175 although around that time I was talking to Susan Crawford as
1176 well, and I talked to her on the phone, I am fairly
1177 confident Monday night to discern information of this kind.

1178 . And this was all part of our effort to try to
1179 analyze and understand the terms on which the military
1180 equipment is sold under the Economy Act, and whether or not
1181 that represents fair market value or something beneath fair
1182 market value, as well as whether or not other questions,
1183 such as can somebody obtain TOMs from any source other than
1184 the United States through an FMS transaction or, you know,
1185 an Arms Export Control Act transaction?

1186 . These were all issues entirely foreign to me, in
1187 terms of what these background and the process under those
1188 statutes was.

1189 . BY MS. NAUGHTON:

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 50

1190 . Q The issue I want to focus in on, though, is a fairly
1191 narrow one, in terms of your conversation with Mr. Armitage,
1192 and that is the pre-finding shipments. Did you discuss with
1193 him, first of all, the TOW shipment in late August 1985? In
1194 other words, the question of whether or not those had been
1195 replenished, whether or not he had been asked to have them
1196 replenished and at what point he was asked to have them
1197 replenished?

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 51

1198 DCMN DONOCK

1199 . A I don't think I took that up with Armitage.

1200 . Q What about the 1985 Hawk shipment; did you discuss
1201 that with Armitage?1202 . A I don't think so. I think the primary focus of
1203 those discussions, as I say, was just to understand the
1204 process, but it also was for specific factual information.
1205 It may well be that it was he that referred me to Crawford
1206 actually, but I do not recall having focused with him on the
1207 question of replenishing the TOWs.1208 . Q Did you discuss with him the Hawk shipment; in other
1209 words, did he tell you that they had received a request for
1210 more Hawks in the fall of 1985, or anything concerning the
1211 pre-finding activities?1212 . A I don't think so. I certainly don't think he told
1213 me they had received a request for more Hawks from the CIA.
1214 I assume you mean the CIA, but I don't think--I do not recall
1215 that having been a part of our conversation, and I have to
1216 tell you that I have only the vaguest general recollection
1217 of the conversation.1218 . Q Did Secretary Armitage tell you anything about any
1219 legal issues that may have cropped up at the Department of
1220 Defense contemporaneously with these activities? In other
1221 words, did he say he consulted anyone for legal opinions at
1222 the time?**UNCLASSIFIED**

NAME: HIR174002

PAGE 52

UNCLASSIFIED

1223 . A At the time of our discussion?

1224 . Q No, no, at the time of the transactions, back in
1225 1985 and 1986.

1226 . A I don't think so, although I do remember having--it
1227 is my general recollection, I had conversations with Susan
1228 Crawford along those lines, but I don't think there were any
1229 transactions out of DOD, that involved DOD prior to the
1230 finding. I mean, it would be news to me now if there were
1231 arms transfers out of DOD prior to the finding. I think
1232 that would be news to me now.

1233 . The replenishment, it has always been my
1234 understanding, did not take place until after the finding,
1235 and considerably after it. For example, the 508 TOW
1236 replenishment, my understanding is took place several months
1237 into 1986, and I don't understand that they ever replenished
1238 the 18 Hawks. Maybe they did.

1239 . Q Did Mr. Armitage ever tell you how the replenishment
1240 for the TOWs came about; did you discuss that with him?

1241 . A I don't think so, though I had a lot of discussions
1242 with Susan Crawford and her people about that, a lot of
1243 frustrating discussions, but I don't think I had that with
1244 Armitage. I have to tell you it is entirely possible that I
1245 did, but I don't--by my conversation with Armitage really
1246 just wasn't a very lengthy one, as I recall.

1247 . Q We are still on the date of November 25th. Did the

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 53

1248 Name Tiny Rowlands come up at any time during this period?

1249 A Yes, it did.

1250 Q Can you tell me how that came up?

1251 A Yes, it came up in our interview, mine and the
1252 Attorney General's interview with Charles Shultz and Charles
1253 Hill--I mean George Shultz and Charles Hill--

1254 MR. LEON: On Saturday morning.

1255 THE WITNESS: On Saturday morning. Some reference
1256 was made during that interview, and I have a note reflecting
1257 it to the effect that a fellow named Tiny Rowlands, and that
1258 name didn't mean anything to me at the time, had walked into
1259 the U.S. Embassy in London and had asked our Ambassador or
1260 some official in that Embassy about, evidently about the
1261 bona fides of some people who would come to him suggesting
1262 that they were involved in an arms transaction that had the
1263 backing and support of the United States Government.

1264 I remember the name Charles Price. Was Mr. Price
1265 the Ambassador at the time? Okay. Price then advised
1266 somebody at State, and it may well have been even George
1267 Shultz himself, but I think George Shultz was out of town at
1268 the time and was advised while he was out of town--I may
1269 actually be recalling my notes more than I am recalling the
1270 conversation.

1271 But as I recall it, Shultz once again became very
1272 agitated that it appeared that this arms activity was

UNCLASSIFIED

UNCLASSIFIED

NAME: NIR174002

PAGE 54

1273 continuing notwithstanding the fact that he felt like he had
1274 been led to believe that it was at an end.

1275 . And also, it is my understanding they got back word
1276 to Tiny Rowlands that he should stay away from this?

1277 . BY MS. NAUGHTON:

1278 . Q Was there any mention of Mr. Rowlands and his
1279 possible involvement in [REDACTED]

1280 . A I certainly don't recall any reference at all to
1281 [REDACTED]

1282 . Q Now, later--one more question on that. Was there any
1283 indication that Mr. Rowlands was at all affiliated or had
1284 any contact with Adnan Khashoggi?

1285 . A Yes, Khashoggi was associated with Rowlands in all
1286 this, and I think it was my understanding that Rowlands was
1287 chacking on Khashoggi, the veracity of Khashoggi's story,
1288 but--well, that was my impression, I understand.

1289 . Q Now, later on the afternoon of November 25th, did
1290 you meet with any representatives of the Criminal Division
1291 at the Department of Justice?

1292 . A On the 25th?

1293 . Q Yes.

1294 . A Yes.

1295 . Q Okay. Who did you meet with?

1296 . A Mark Richards and Bill Weld.

1297 . Q Did you brief them on what had transpired?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 55

1298 A I briefed them on what we knew, yes.

1299 Q Is that, to your knowledge, the first conversation

1300 you had with either Mr. Richards or Mr. Weld regarding the

1301 Iran arms transactions?

1302 A It is certainly the first one I can recall. It is

1303 undoubtedly the first one I had with Mark Richards, because--

1304 MR. LEON: For the record, because I have heard his

1305 name said both way, is it Richards with an 's' or Richard?

1306 MR. BOYD: Richards with an 's'.

1307 THE WITNESS: That has always been what I have

1308 called him.

1309 MR. LEON: And what is his title?

1310 THE WITNESS: Deputy Assistant of the Criminal

1311 Division.

1312 MR. LEON: Just for the record.

1313 THE WITNESS: And you know, he has authority in this

1314 international area, so he is definitely an expert, but I had

1315 had--you know, I don't have much contact with Mark, and I had

1316 only I think social gatherings within the Department kind of

1317 contact with Mark prior to this meeting.

1318 I can't remember a professional contact prior to it,

1319 it was possible. But what I am saying is I know I have

1320 never discussed anything that had anything to do with Iran

1321 with Mark Richards before that, and I do not recall having

1322 discussed anything with Bill, either, on this subject matter

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 56

1323 prior to that time.

1324 BY MS. NAUGHTON:

1325 Q Did you have any involvement in the Evans case, the
1326 sting case out of New York involving Iranian arms sales?

1327 A I did after all of this, not before Tuesday, but
1328 after Tuesday. Bill Weld or one of Bill's deputies made me
1329 aware of some information that was being shared with them by
1330 an attorney for one of these characters, which sounded very
1331 familiar in terms of the fact that he was claiming that he
1332 was a part of a U.S. Government-sponsored arms sale activity
1333 to Iran, and he was using names that in the course of our
1334 fact-finding on this had come to us.

1335 And I can't tell you what those names were, but I do
1336 remember having conferences with Weld and his team of
1337 lawyers, Jack Keeney specifically, as well, dealing with
1338 what--how we were going to respond to this, whether or not
1339 this was legit, and what have you.

1340 Q To your knowledge, was there a request by Mr.
1341 Giuliani's office to have the Department certify that no one
1342 in the U.S. Government was involved in that particular arms
1343 sale in the Evans case?

1344 A Well, I think the Assistant U.S. Attorney on that
1345 case, and I may well have had a fleeting conversation with
1346 that person, and I think that person was a woman, was
1347 obviously eager to know if there was truth to these claims

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 57

1348 that were being made. Apparently, she--I don't know why she
1349 attached enough credibility to it to call, but I imagine it
1350 was because of the story in the paper that was mentioning
1351 Weld with the story that this guy had given her long before
1352 the papers started outlining events that were quite
1353 familiar.

1354 . And it may well be that they were asking for a
1355 certification. I don't know what it was, but it is
1356 certainly true they were trying to check the accuracy of the
1357 matter. I think they realized, and certainly it was my view
1358 that we shouldn't be up there prosecuting somebody if indeed
1359 he was brought into ~~an~~ arms transfer scheme that was run and
1360 operated by the United States Government.

1361 . Q To your knowledge, though, did the Attorney General
1362 ever consult with John Poindexter or anyone at the White
1363 House regarding the Evans case?

1364 . A I understand that he did prior to my introduction
1365 into the whole matter, but never--he didn't consult with him,
1366 to my knowledge, on the subject matter relating to Evans
1367 that I had involvement in, after Tuesday.

1368 . Q When the Attorney General did consult with Mr.
1369 Poindexter, were you aware of it at the time?

1370 . A No, absolutely not.

1371 . Q So you only knew of the Evans case and the problems
1372 that arose with it after November 25th?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 58

1373 . A Yes, after that.

1374 . Q On the next day, November 26th, do you recall if you
1375 attended the staff meeting that day?

1376 . A On the 26th?

1377 . Q Yes.

1378 . A If we had one, I probably attended it, but it
1379 certainly didn't rate an entry on my chronology, so I don't
1380 know.

1381 . Q At some point with senior staff, did you discuss the
1382 Iranian arms sale and what was going to happen from then on,
1383 as far as the Department of Justice's involvement?

1384 . A On Wednesday?

1385 . Q Yes, the 26th.

1386 . A Oh, yes, I am certain we did.

1387 . Q Okay. During the course of these meetings, did
1388 anyone, including yourself, express the sentiment that
1389 perhaps it should be handled as a civil matter rather than a
1390 criminal matter?

1391 . A No. Emphatically including myself, although the
1392 civil matters that remained to be resolved were very
1393 important and they pertained directly to what I viewed as my
1394 task that remained in this matter, which was to examine
1395 civil legal issues that would arise, which seemed to me--and
1396 I still think are the dominant legal issues in this thing.

1397 . Q Okay. Aside from the merits of the issues, which I

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 59

1398 don't want to get into.

1399 . A Yes, I understand.

1400 . Q Did anyone express the sentiment then that it should

1401 not also be handled criminally; in other words, did anyone

1402 advocate going on the civil track rather than in a criminal

1403 investigation?

1404 . A I don't recall anyone advocating that. The only

1405 question that I can recall having been debated, and I don't

1406 recall there having been any real debate about it, was

1407 whether or not the criminal--whether or not the investigation

1408 that was going to then be advanced on a criminal track by

1409 the criminal professional investigators would feed into the

1410 civil side of this, the civil legal analysis that I was

1411 involved in.

1412 . And it seemed to me that--and I don't recall there

1413 having been any dissent about this, that the information

1414 that was--any new information that was derived that had civil

1415 legal implications should be provided to the civil legal

1416 thinkers, me and my office, at such time as it was

1417 confidently determined that we had some information that had

1418 those implications.

1419 . And the Attorney General, in fact, did not want the

1420 civil legal side of this to be ignored as the criminal thing

1421 picked up, but there was no discussion that it should be

1422 just civil. But the criminal people were in there, it was

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 60

1423 going to be their investigation, and you know, there was no
1424 dissent from the view that that was obviously the
1425 appropriate course of conduct at that point.

1426 . And I think I was among those, I am certain I was
1427 among those who found, as a result of my own research and
1428 analysis, credibility to the proposition that it is entirely
1429 possible that some of this was U.S. money, and that
1430 therefore it was entirely possible that there was some
1431 potential criminal implications. So, you know, at no point
1432 did I argue against proceeding on that track. I fully
1433 endorsed it.

1434 . Now, I have to also tell you, to give you some
1435 flavor for this, because it is troubling for me, that the
1436 meeting wherein this matter, this 3:30 to 5:30 meeting that
1437 is reflected on my chronology for Wednesday, for my first
1438 entry on Wednesday, November 26th, the AG outlined how we
1439 would proceed, this was a meeting of a criminal
1440 investigative team, the best people that the Justice
1441 Department has.

1442 . And the AG--it was a time for me to meet and Brad to
1443 meet, and for us to share whatever it was we had and
1444 otherwise to just gather for the hand-off, so to speak, to
1445 the professional criminal investigators and lawyers. And
1446 the AG outlined an approach along the lines that I have just
1447 outlined to you, and he suggested that Bill Weld and I would

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 61

1448 be more or less the senior Justice Department officials on
1449 this matter.

1450 . And I can't cite to you a specific comment or piece
1451 of body language that I perceived, but I perceived some
1452 reservations about my being involved, or about there being
1453 an equally important civil element to this matter.

1454 . MR. LEON: From whom?

1455 . THE WITNESS: Well, not from Bill Weld, who seemed
1456 to--who I didn't detect any questioning at all of this. But
1457 I guess, more than anybody, Floyd Clark sticks out in my
1458 mind--

1459 . MS. NAUGHTON: From the FBI?

1460 . THE WITNESS: From the FBI. And Floyd, since that--I
1461 think that was the first time I had ever met Floyd Clark--

1462 . MR. LEON: The Tuesday meeting.

1463 . THE WITNESS: --in a professional context. I had seen
1464 him before.

1465 . Since that time, I have worked on a professional
1466 basis on other matters equally difficult, sensitive matters
1467 with Floyd Clark, and I just think I have nothing but the
1468 highest admiration and respect for him.

1469 . But I have to confess that I did sense some
1470 reservations about the process that the AG outlined, and the
1471 further fact of it is I did not have, that I can recall,
1472 another meeting with any of this team, I didn't press the

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 62

1473 matter with them, I simply receded from the whole thing.

1474 . BY MS. NAUGHTON:

1475 . Q In fact, the FBI never briefed you on what they were
1476 doing, or what interviews they had conducted?

1477 . A No, or on the information, whatever it might have
1478 been, that they were developing. Now, not long after that,
1479 of course, the curtain fell that represented the IC request,
1480 and so the whole Department was iced, but I receded from the
1481 matter, I had a couple of interviews with FBI agents, I had
1482 one further meeting with Bill and Arnie Burns and two or
1483 three of the senior investigators in which, quite--and this
1484 was a couple or three days later--in which they were
1485 discussing some of the things that they were doing, and I,
1486 more than anything else, was making suggestions for other
1487 angles they could pursue, based upon my own knowledge.

1488 . But I guess what I am trying to provide you a flavor
1489 of is the reason that I did not press my own participation
1490 in this, even though the Attorney General had outlined that
1491 I would be a co-leader, so to speak, of the matter, and you
1492 know, that was it for me.

1493 . Q Did the Attorney General ever ask you to brief him
1494 then on what was going on?

1495 . A No.

1496 . Q Do you know who made the arrangements to secure the
1497 White House documents, and when that was made?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 63

1498 . A Arnold Burns was tasked with the mission of securing
1499 the NSC documents. That was the first tasking that I can
1500 recall Meese having made, and in fact, I guess it was
1501 Tuesday--

1502 . MR. LEON: 2:30.

1503 . THE WITNESS: 2:30? Okay. Yes, okay. 2:30, in
1504 connection with this meeting, where the decision, I guess,
1505 was made to turn this over, or at least the instructions
1506 were given that the matter was being turned over to the
1507 Criminal Division for taking it forward.

1508 . He directed Arnie to call Wallison and have the
1509 place sealed off. Now, I do recall the subsequent meeting,
1510 as well. I can tell you the truth, though I can't remember
1511 when it was, but it seems to me it was later that evening.
1512 But, the AG asked Arnie if he had done that, and he hadn't
1513 done it yet, and the AG was most agitated.

1514 . MR. LEON: Evening of the 25th?

1515 . THE WITNESS: I can't tell you for sure.

1516 . MS. NAUGHTON: We are on the 26th. So, Burns was
1517 told at 2:30 on the 25th to make the call to the White
1518 House.

1519 . THE WITNESS: That is my best recollection as
1520 substantiated by my chronology.

1521 . MR. LEON: But it seems to you it was some point
1522 after that?

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 64

1523 . THE WITNESS: It would have to be after that. Now,
1524 if I am wrong that--it was definitely after that that Burns
1525 reported that he ^{hadn't} ~~didn't~~ done it yet, but he had
1526 misunderstood the direction, he said, but it certainly
1527 wasn't unclear to me that the AG was most agitated. He
1528 rarely is visibly agitated.

1529 . And Burns, I think excused himself immediately to do
1530 that, whatever it was that the AG found out hadn't been
1531 done.

1532 . BY MS. NAUGHTON:

1533 . Q Do you recall, was this a large meeting or was this
1534 just yourself and Mr. Burns and the Attorney General?

1535 . A Where Arnie suggested that he hadn't--

1536 . Q Yes.

1537 . A --understood correctly the nature of the direction?
1538 It was more than me and the AG and Burns. There were more
1539 people in there than that. I can't identify for you who
1540 they were.

1541 . Q Do you know when the FBI actually went to search the
1542 White House for documents?

1543 . A It strikes me that it probably wasn't until
1544 Wednesday.

1545 . Q Do you know for sure?

1546 . A That is my recollection, but I don't know for sure,
1547 but I am sure they could tell you.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 65

1548 Q They say Friday.
1549 A They say Friday?
1550 Q Thursday is Thanksgiving.
1551 A Well, yes, Thursday is Thanksgiving, but I had two
1552 FBI Agents in my office till Wednesday night, quite late in
1553 the evening.
1554 Q Did they tell you that FBI Agents had gone to the
1555 White House to search documents?
1556 A No, no, I just think I perceived this as a general
1557 understanding that I developed on this Wednesday meeting
1558 where we all got together with them, and I thought this was
1559 a topic of discussion and agreement that it should be done
1560 forthwith.
1561 Q Did you give anybody from the Criminal Division your
1562 notes?
1563 A Yes--oh, the Criminal Division? I don't believe so.
1564 I mean, I think the only people I gave my notes to are the
1565 only people who asked for them, the FBI, but obviously it
1566 was for, I take it, the Criminal Division and anybody else
1567 who wanted those was free to have them, but no, I don't
1568 think I--I cannot recall anyone from the Criminal Division
1569 collecting my notes from me, but the FBI did collect my
1570 notes from me.
1571 Q Now, moving on, believe it or not.
1572 After the Hasenfus crash in early October of 1986.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 66

1573 | there was a request from the House of Representatives for an
1574 | Independent Counsel to look into allegations that
1575 | Administration officials were involved in the Masenfus
1576 | expedition in supplying the contras.
1577 | Did you produce any documents or other material for
1578 | the people in the Criminal Division investigating this
1579 | allegation?
1580 | A Regarding Masenfus?
1581 | Q Well, there was a general call for an Independent
1582 | Counsel regarding any cases involving the contras' resupply
1583 | operation and Administration officials.
1584 | A You mean our request for an Independent Counsel?
1585 | Q No. There is a request ^{for an} ~~from the~~ Independent Counsel
1586 | by the House of Representatives from the second week of
1587 | October requesting an Independent Counsel be established to
1588 | investigate the Masenfus crash--
1589 | A Okay. I am with you now.
1590 | Q --Southern Air Transport, and any connections they may
1591 | have had to Admiral Poindexter, Oliver North, Vice President
1592 | Bush--
1593 | A Oh, yes, this is the Kerry thing?
1594 | Q No, it is not the Senator Kerry thing. The request
1595 | was made by the majority members of the House Judiciary
1596 | Committee.
1597 | A Oh, okay. Yes, that is vaguely familiar.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 67

1598 . Q Okay. The people in the Criminal Division tasked
1599 with looking into this sent out a query to all components of
1600 the Department of Justice to see if they had any active
1601 cases or any materials relating to that subject, and the
1602 question to you is, to your knowledge, did your office,
1603 Office of Legal Counsel, provide any materials to them for
1604 that inquiry?

1605 . A Well, my answer is I don't know, though I seriously
1606 doubt it. I would imagine when I got that, I sent it to my
1607 so-called Iran team, the people who have been bird-dogging
1608 all of this document production from day one, poor guys.

1609 . And if we had anything that was responsive, I am
1610 sure in the normal course it was provided, but I cannot
1611 imagine we would have anything to do with Hasenfus.

1612 . Q I want to get it clear, this is a separate call for
1613 Independent Counsel, took place long before the Iran arms
1614 transactions were even discovered.

1615 . A Okay, yes. But I don't, certainly not since I have
1616 been in the Office of Legal Counsel, have materials that
1617 seem to me to be responsive to what you just described and
1618 generated.

1619 . Q Okay. Did you participate in either staff meetings
1620 or other meetings with Department of Justice officials
1621 regarding the active cases concerning the contra opposition
1622 in Nicaragua? Is that a no for it?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 68

1623 A That is a no, I do not recall having participated in
1624 any such discussions. Now, it is certainly possible that at
1625 the morning staff meeting, such discussions were brought to
1626 the table. I don't recall as having been true, but any
1627 manner of subject matters can be brought and discussed at
1628 that table, but that is not one that I would have
1629 participated in.

1630 It is not at all often that OLC participates in an
1631 operational way in these cases. We just grind out opinions,
1632 and provide occasional litigation, consultation and advice
1633 on legal issues. We don't have any litigation role at all.

1634 MS. NAUGHTON: That concludes my questions, and I
1635 thank you for your patience. Dick, do you want to go ahead.

1636 THE WITNESS: Dick, before you do, can I excuse
1637 myself for just a moment? I will be right back. Good
1638 stopping point.

1639 [Recess.]

1640 MR. LEON: Shall we go on the record?

1641 BY MR. LEON:

1642 Q Mr. Cooper, I want to go back over a few things in
1643 your testimony today, and I will try to do it
1644 chronologically, based on using the format in the chronology
1645 that Ms. Naughton has used, I think that would probably be
1646 the easiest.

1647 A Very well.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 69

1648 . Q In your own chronology, at least. With regard to
1649 the November 7th through 12th period, when you first were
1650 being brought into the loop, so to speak, talking to the
1651 Attorney General--what I would like to try to get a feel for
1652 is, what was your sense of why it was that the Department of
1653 Justice was being brought in at this point to a White House-
1654 NSC matter?

1655 . I don't think I have a clear sense of that. Maybe
1656 you could help us on that.

1657 . A Well, between--actually nothing of any significance
1658 happened between November 7th and November 12th--

1659 . Q Okay.

1660 . A --that occurs to me now and that occurred to me at the
1661 time I put this chronology together.

1662 . Q The AG had given you a heads-up, so to speak, on the
1663 7th.

1664 . A That is right.

1665 . Q And told you that there was going to be some legal
1666 issues coming down the pike?

1667 . A Well, there were already, as I recall, public media
1668 discussion with legal issues that surround this thing,
1669 although if they didn't already appear by November 7th,
1670 they weren't long in being discussed publicly, and--

1671 . Q Well, let me stop you there and focus on that a
1672 second. I believe it was November 5th or right around then,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 70

1673 | just around the time of the 7th, that the reports were
1674 | coming out in the newspapers of McFarlane having made a
1675 | trip, and it had been leaked to an Iranian newspaper and
1676 | then, in turn, it had arrived in the American press; that
1677 | refreshed your recollection a little bit as to the press
1678 | accounts, doesn't it?

1679 | . A Well, actually, that is not inconsistent with my
1680 | recollection, but I only have the vaguest general
1681 | recollection that the press accounts were beginning to
1682 | appear, and I think it was starting to make the television
1683 | news as well, but my recollection also of my meeting with
1684 | the Attorney General was that he referred to press
1685 | discussion of this Iran arms matter, and suggested that in
1686 | all likelihood, it would generate some DOJ legal work which
1687 | would involve me, and that I should just simply be aware of
1688 | that fact, and that I think he made reference to Paul
1689 | Thompson, though he may not have, but in due time, I would
1690 | be meeting with Paul Thompson and try to find out more about
1691 | it.

1692 | . Q As you look back on it now, thinking back to what
1693 | you were thinking of when you went over to the White House
1694 | on the 12th, which was your first meeting, wasn't it, with
1695 | Poindexter and Thompson?

1696 | . A Yes, it was.

1697 | . Q Okay. As you were heading over there that day in

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 71

1698 anticipation of those meetings, did you have any sense of
1699 what types of issues might be about to pop up in front of
1700 you, in terms of legal issues, or had you gotten to the
1701 point where you were thinking about that?

1702 . A No, we were thinking about it. I don't believe we
1703 had any refined state of thinking at that time. The truth
1704 of the matter is I and my assistant were kind of groping
1705 around the U.S. Code for statutes that seemed relevant to
1706 the question of arms transfers and foreign policy generally,
1707 using our only factual reference at that point, was whatever
1708 was discussed in the papers, and I just have no recollection
1709 what was in the papers at the time, so we were trying to
1710 follow it.

1711 . Q Do you think, looking back on it now--you don't
1712 obviously have the press accounts in front of you--do you
1713 think what was back in the papers at that time was the fact
1714 that there had been arms shipments between the U.S. and
1715 Iran? Had that come up at that point?

1716 . A I think so. I would be surprised to find out that
1717 it hadn't, but that is my recollection of it.

1718 . Q Okay. And of course, the President was going to be
1719 giving a speech on the 13th--

1720 . A Right.

1721 . Q --major address to the country.

1722 . A Yes, although I am not sure when I knew that.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 72

1723 Q Well, it would probably have been announced at least
1724 by the 12th when you went to meet with Poindexter and
1725 Thompson.

1726 A Perhaps so, perhaps so, I just don't recall when I
1727 knew he was going to do that.

1728 Q So, at least as I understand what you are saying,
1729 what you were doing or about to do, in terms of looking into
1730 legal questions, had nothing to do with the President's
1731 upcoming speech on the 13th, at least as you saw it?

1732 A Oh, right.

1733 Q Had nothing to do with straightening out any legal
1734 issues before the President addressed the Nation in regard
1735 to Iran, or whatever?

1736 A No, that was not--there was no specific reference in
1737 my task, and at that point, it was still an unformed notion
1738 that legal issues are raised by this, and we need to examine
1739 them, but no, it had no reference to the President's speech,
1740 no particular reference to that.

1741 Q All right, now when you get over there on the 12th
1742 to meet with Poindexter, I believe your testimony was that
1743 your meeting with him was rather brief--

1744 A Yes.

1745 Q --and he didn't go into great detail about what your
1746 mission was; is that about it?

1747 A That is correct, yes.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 73

1748 Q He was leaving it to Thompson, in essence, to sit
1749 down and discuss with you the potential legal questions that
1750 you might be looking into.

1751 A My purpose wasn't so much to discuss potential legal
1752 questions as it was to gather from the MSC, Paul Thompson in
1753 particular, some information about the truth of the Iranian
1754 initiative.

1755 I had been in touch with Paul prior to that time, I
1756 am confident, and had been kind of nagging, really, Paul to
1757 provide me with some information. He had made reference, I
1758 think prior to that, but certainly on the 12th, that a
1759 chronology was being put together, and that it would be
1760 shared with me as soon as they had some confidence--

1761 Q I believe that Mr. McFarlane testified that they had
1762 been working on the chronology since the week before that.

1763 A That is entirely possible. That is entirely
1764 possible, and it was my understanding that this chronology
1765 had been under construction for some significant period of
1766 time.

1767 Q Okay.

1768 Now, was this the first time that you and your
1769 office had been involved in a--let's say, a legal review or
1770 evaluation of issues bearing on the MSC?

1771 A I am sure it is not the first time my office had--

1772 Q I mean when I say your office, I mean since you have

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 74

1773 been heading up your office.

1774 . A I cannot confidently say yes to that, but that is--if
1775 forced to give a yes or no answer, that is the one I would
1776 give. We have the variety of issues that come into the
1777 office, is extraordinary, and we have got a lot of issues
1778 that are in the national security area, though I cannot
1779 specifically remember an issue that involved the conduct of
1780 the National Security Council or its staff.

1781 . We have War Powers Resolutions, which come
1782 infrequently, and they always involve the national security
1783 apparatus, including the National Security Council.

1784 . Q Okay. Had you, prior to that time worked together
1785 with Thompson with regard to legal issues and legal
1786 questions bearing on the NSC?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 75

1787 DCMN DOMOCK

1788 . A Yes, but I can say with some confidence that those
1789 previous occasions were confirmed War Powers Resolution
1790 issues.

1791 . Q And did you--is it fair to say that you viewed his
1792 role, Thompson's role, at this point to be more a provider
1793 to you of information rather than a colleague who would be
1794 joining in the legal analysis with you of the issues?

1795 . A Yes. I did not--it was not on any understanding
1796 along the lines that you just described that I visited him
1797 at the MSC, but rather, as the point of contact wherein my
1798 office would be provided whatever factual information the
1799 MSC developed dealing with this matter.

1800 . Q Now, of course you knew Peter Wallison, White House
1801 Counsel at that time.

1802 . A Yes, sir.

1803 . Q And he wasn't present the day of the 12th, when you
1804 met with Thompson and Poindexter, right?

1805 . A No, he was not.

1806 . Q Nor was there anyone from his office represented?

1807 . A That is true.

1808 . Q Did it strike you as odd that the White House
1809 Counsel's Office at that point hadn't been involved in the
1810 kind of legal analysis that you were about to engage in, or
1811 was not involved in it at that point, together with you if

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 76

1812 only from a monitoring standpoint if nothing else?

1813 . A I don't think I took particular notice of that at
1814 that time. I did take notice of the absence of the White
1815 House Counsel not long thereafter, but I don't recall having
1816 taken notice of that.

1817 . In fact, I would not have expected my meeting with
1818 Paul Thompson to have been something that anyone other than
1819 he and I attended in that particular context.

1820 . Q Did you have sense that the White House Counsel was
1821 being kept out of this?

1822 . A I don't think that I developed any sense of that by
1823 that point.

1824 . Q Now you did testify, on the 20th, you did testify
1825 with regard to events on the 20th that after your meeting
1826 that afternoon with the Attorney General and Poindexter, and
1827 I believe Thompson was there, to review the testimony of
1828 Casey and Poindexter the next day--

1829 . A The afternoon of the 20th.

1830 . Q The afternoon of the 20th.

1831 . A Right.

1832 . Q That after that meeting, that Mr. Wallison had
1833 expressed that he was upset that he was not present at that
1834 meeting. Do you recall that?

1835 . A Yes, I do.

1836 . Q Okay.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 77

1837 . And did he also express any concern at that point or
1838 prior to that about not being involved in this review that
1839 you were engaged in?

1840 . A I don't recall him having expressed concern vis-a-
1841 vis me and my office's work.

1842 . Q He was aware you were doing it, wasn't he?

1843 . A On the 20th?

1844 . Q Yes.

1845 . A I should think he probably was. In fact, by the
1846 refreshment of my recollection that I received yesterday
1847 from Ms. Naughton regarding the meeting that was held in
1848 Peter Wallison's office, it appears that that meeting took
1849 place on the 18th, and I do recall, as I mentioned
1850 yesterday, some criticism and dissatisfaction having been
1851 registered by some of the attendees at that meeting.

1852 . But my recollection is that it was focused on the
1853 NSC, not on me and any legal work that I was doing. In
1854 fact, throughout this matter from day one, I have not sensed
1855 anything other than perfect cooperation and useful
1856 consultation from the other individuals who were at that
1857 meeting on the 18th, as well as in terms of the work that I
1858 was doing.

1859 . They have conceded and recognized that the legal
1860 judgments of the Administration on all matters that have
1861 preceded in connection with Iran initiative had to be

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 78

1862 uniform, and obviously the Attorney General is the final
1863 word on such issues, and there has been no argument about
1864 that.

1865 . Q Okay.

1866 . On the occasion of your meeting with Thompson, the
1867 12th, he showed you a finding, and I believe your testimony
1868 was that that was the first time--I believe your testimony
1869 was that that was the first time you had ever seen a
1870 finding; is that right?

1871 . A Yes, that is correct. I certainly don't recall ever
1872 having seen a finding or a document of that appearance
1873 before.

1874 . Q And I believe you testified also that he informed
1875 you on that occasion that the Attorney General himself had
1876 reviewed the finding that you received, and--

1877 . A That Paul had told me about?

1878 . Q Yeah.

1879 . A Yes, I certainly think that was correct.

1880 . Q Did he mention to you on that occasion that Deputy
1881 Attorney General Jensen had been involved at all in the
1882 discussions or consultations with regard to the preparation
1883 of that finding, or any other findings prior to that?

1884 . A No.

1885 . Q Do you have any knowledge with regard to the former
1886 Deputy Attorney General Lowell Jensen's

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 79

1887 involvement--assisting Attorney General Meese in any findings
1888 at any time?

1889 . A No, although I think I can say that it has not been
1890 until within the last week that I have been given to
1891 understand that, indeed, Jensen may have had some kind of a
1892 role, that the context or the content of which I was
1893 completely unaware--

1894 . Q There is a notation in Oliver North's calendar, for
1895 example, which I don't have in front of me, but I think I
1896 recall well enough to state that on January 6th, 1986, North
1897 meeting with Jensen and Meese.

1898 . Were you aware that that meeting took place?

1899 . A No, I was not.

1900 . Q And that was around the time of these findings at
1901 various stages were being worked on, and hence, one of the
1902 reasons why I raised that question for you, as to whether
1903 you were aware of that?

1904 . A No, I was not aware of it. As I say, within the
1905 last week or so, I became aware of something along the lines
1906 that you have just described, but not until within the last
1907 week have I heard Jensen's name mentioned in connection with
1908 the Iran initiative, that I can recall.

1909 . Q On the 13th, the President gave his address to the
1910 Nation, and you have testified that you heard that, and
1911 during the course of it, you heard him make reference

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 80

1912 erroneously to no involvement by other countries, and of
1913 course, you were aware of the Israeli involvement; is that
1914 right?

1915 . A That is correct.

1916 . Q Okay. And you brought that to Thompson's attention
1917 by phone call after the address.

1918 . A Yes, I did.

1919 . Q Now, at that point, did you have any chronologies,
1920 had you been given any chronologies by Thompson and his
1921 people?

1922 . A No, I state confidently that I had not by then,
1923 because the only thing that I can recall that was tangible,
1924 that was a document that had been shared with me was the
1925 finding and the memorandum that covered the finding. That
1926 was shared with me, to the best of my recollection, November
1927 12th.

1928 . I was frustrated that nothing more useful and
1929 informative than those documents were then available, or so
1930 I understood. The President's speech, in fact, was, by that
1931 time, as useful a source of information as we at that point
1932 had regarding the outline of the initiative, the factual
1933 outline and implementation of the initiative.

1934 . Q And it was that day that you prepared the
1935 memorandum, Exhibit 2, that was provided to the Attorney
1936 General pursuant to his request; isn't that right?

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 81

1937 . A That is correct.

1938 . Q And with regard to the preparation of that

1939 memorandum, had--this memorandum obviously reflected your own

1940 opinion and the opinion of your office, did it not?

1941 . A Yes.

1942 . Q And you hadn't had--nobody had suggested to you, had

1943 they, either at the NSC, from the NSC staff, or the Attorney

1944 General himself, that you come up with a certain conclusion

1945 with regard to this memorandum?

1946 . A No.

1947 . Q This was an independent evaluation by yourself and

1948 your staff.

1949 . A Absolutely. In fact, the contours of it were not

1950 even discussed outside of myself and my one staff member.

1951 . Q Do you know if a copy of this memorandum was

1952 provided to Paul Thompson or the NSC?

1953 . A It was certainly not provided by me to Paul

1954 Thompson, and I do not know or have information to the

1955 effect that it was provided by anyone else.

1956 . Q How about--

1957 . A For example, the Attorney General, who was, of

1958 course, the addressee of the memorandum.

1959 . Q And you have no knowledge that it was provided to

1960 the White House Counsel's Office, do you?

1961 . A Well, ultimately, I think all of these opinions have

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 82

1962 been provided to everybody, but I understood your question
1963 to relate to--

1964 . Q At that time.

1965 . A --some time frame reasonably contemporaneous--

1966 . Q Absolutely.

1967 . A --with the production of the document, and the answer
1968 to that is no.

1969 . Q For example, let's say this, on your November 18th
1970 meeting that you had with Mr. Wallison, okay, that you have
1971 testified to in the last day or so.

1972 . A Yes.

1973 . Q Do you have any reason to think that on the day of
1974 that meeting that Mr. Wallison had a copy of this memorandum
1975 or had read it?

1976 . A I don't think so, I mean that does not--that would
1977 strike me as incorrect to say that.

1978 . Q And had you considered the possibility of asking the
1979 Attorney General whether or not to give Paul Thompson this?

1980 . A I don't remember us having conversations along that
1981 line.

1982 . Q That would have been unusual to do that, wouldn't
1983 it?

1984 . A Well, not necessarily, no, it wouldn't, but I don't
1985 remember it having been a decision to do that, I don't
1986 remember the subject having been discussed.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 83

1987 Q Okay.

1988 Now, when you had your meeting on the 18th with
1989 Wallison and that group, I believe you testified there was a
1990 group of people who normally are part of the War Powers
1991 group that you described before, various counsel from
1992 various agencies, Departments of the government.

1993 During the course of that meeting, what was your
1994 primary focus, as you recall it, as to the legal issues that
1995 were concerning you at that point?

1996 A I would imagine it was Arms Export Control Act, yes.

1997 Q In order to evaluate those issues, did you think at
1998 that point you would need to get information from the
1999 Department of Defense regarding pricing and the way certain
2000 transactions were handled financially?

2001 A No, I don't think that became important until later
2002 than that. At that point, the September shipment was, in my
2003 mind, the most troublesome, and that is not the term I would
2004 prefer to use, but it was the event that raised the most
2005 legal questions.

2006 The November shipment would have raised the same
2007 legal questions, except at that point, I was under the
2008 understanding that Hawk missiles had been returned, and to
2009 the extent there was any legal problem, it was quite
2010 technical, and I didn't perceive that that would be the
2011 subject of a lot of high-pitched criticism, as long as the

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 84

2012 arms had indeed been returned.

2013 . But the 508 TOWs allegedly transferred in September,
2014 or August, whatever it was, was news to me, and raised--and
2015 it was pre-finding--it raised questions about notification of
2016 the Congress and questions of Presidential consent to the
2017 transfer. It must be secured by the foreign country under
2018 the Arms Export Control Act.

2019 . So, I think arms export control is our principal
2020 concern, and a concern related to the September TOW
2021 shipment.

2022 . Q Now, it was the day before that, the 17th, that you
2023 got your first chronology, wasn't it?

2024 . A That is our best memory of it.

2025 . Q And that was the day that you, for the first time,
2026 realized that there have been pre-January activities, and in
2027 particular the TOWs and the Hawks shipments?

2028 . A That also is correct.

2029 . Q And I believe you have also testified that upon
2030 learning that, you brought that to the Attorney General's
2031 attention, about these pre-January events?

2032 . A I am sure that I did straight away; how immediate we
2033 had a chance to discuss it, I don't know, but yes, we did
2034 discuss it.

2035 . Q Do you think it was probably prior to your meeting
2036 on the 18th with the Wallison group?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 85

2037 . A Entirely possible.

2038 . Q And I believe you testified--I don't want to say
2039 that. Is it your testimony that the Attorney General was
2040 surprised to learn that there had been pre-January
2041 activities?

2042 . A Yes, it was clear to me that he did not have an
2043 inkling that that was the case.

2044 . Q And, of course, you both appreciated, didn't you,
2045 that because of those pre-January events, that there were
2046 new legal issues, potentially, that were now on the horizon
2047 that you had to be concerned about?

2048 . A Well, certainly by that time I appreciated it fully,
2049 and I am sure that I tried to share my appreciation of that
2050 fact with the Attorney General.

2051 . Q Here is a question I got for you: In light of this
2052 revelation on the 17th, and the Attorney General's surprise
2053 with regard to it, did the Attorney General, to your
2054 knowledge, in response to learning this, make any phone
2055 calls, make any inquiries at the White House as to those
2056 events personally?

2057 . A I do not know whether he did or didn't; I just don't
2058 have any personal knowledge at all about that.

2059 . Q If he did, he certainly didn't report it to you?

2060 . A Not that I recall.

2061 . Q You have no knowledge of him contacting, for

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 86

2062 example, John Poindexter, inquiring into, you know, what are
2063 these events about?

2064 . A I don't recall him having told me that he had done
2065 it, and I don't recall having learned that from any other
2066 source. I am not trying to say that--I mean, it is entirely
2067 possible that he did do that.

2068 . Q Did you, upon learning it, contact Thompson or
2069 anyone over there, and express your surprise and concern
2070 upon learning these things?

2071 . A That is entirely possible. I don't have a
2072 recollection to the effect that I did do that, however.

2073 . Q Did you talk to Wallison about that on the 18th,
2074 about your being surprised to learn about this?

2075 . A I don't remember having expressed myself along those
2076 lines in that way. It is possible that I did. My
2077 recollection, and if I had the note in front of me, it might
2078 inspire my recollection, but it is that the September
2079 shipment was a subject matter that was discussed at that
2080 November 18th meeting.

2081 . Q Did Wallison have a copy of the chronology?

2082 . A That I don't know. I just do not recall.

2083 . Q Do you recall him expressing any surprise also about
2084 learning about these pre-January events on the chronology?

2085 . A Peter Wallison?

2086 . Q Yeah.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 87

2087 : A I just don't have a recollection for that kind of
2088 reaction, one way or another, in Peter or really in the
2089 other participants in that meeting.

2090 : Q I guess what I am getting at, in part here, Mr.
2091 Cooper, is that, of course as you know, the President was
2092 giving a press conference the following day, the 19th, and
2093 you have testified that the Attorney General was upset, I
2094 believe, about the manner of preparation that the President
2095 had had prior to that press conference, because his
2096 performance, as you testified, wasn't as good as you and the
2097 Attorney General had hoped it would be.

2098 : And what I am trying to get at here is whether or
2099 not you had any sense that Mr. Wallison was concerned about
2100 these pre-January events to the point where it had been
2101 brought to the attention of Donald Regan?

2102 : Do you have any knowledge of whether or not those
2103 were brought to the attention of Mr. Regan?

2104 : A I have no knowledge of that.

2105 : Q Do you know who prepared President Reagan for his
2106 19th press conference at the White House?

2107 : A I guess I should go back and say I have no
2108 recollection of that.

2109 : Q Are you aware that John Poindexter and--

2110 : A I am sorry. What was the intervening question
2111 again?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 88

2112 Q Do you have any knowledge whether or not Donald
2113 Regan was informed by Peter Wallison of these pre-January
2114 events?

2115 A Oh, of that, I just don't have any recollection of
2116 having learned information on that question.

2117 Q Do you know if the President in his preparation for
2118 the January 19th press conference had been, you know, had
2119 been prepared as to the information on the chronology, pre-
2120 January 1986?

2121 A You are talking about the pre-January information?
2122 No, I don't. I don't know what^{went} into the preparation of the
2123 President, and--

2124 Q Do you know who prepared him for that press
2125 conference?

2126 A No, I don't. I assume that as Chief of Staff, Regan
2127 was involved in it, and I have to assume that Poindexter was
2128 involved in it.

2129 Q Beyond that--

2130 A But those are assumptions. I don't know--

2131 Q Did the Attorney General, for example, share with
2132 you his knowledge as to who prepared the President for that
2133 press conference?

2134 A No, although I certainly get the distinct impression
2135 that he had not participated in that, much to his chagrin.

2136 Q Now, of course, after the press conference was over,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 89

2137 had you--did you watch the press conference?

2138 . A Yes, I did.

2139 . Q And were you watching it with the Attorney General?

2140 . A No.

2141 . Q Did you detect any problems in the press conference,

2142 with the President's answers?

2143 . A Nothing that made a particular impression on my

2144 memory--

2145 . Q You didn't have to call--

2146 . A --that comes to mind here and now.

2147 . Q You didn't call Mr. Thompson, for example, again,

2148 like you had after the 13th speech?

2149 . A No.

2150 . Q Did you share--

2151 . A That I can recall. I can recall an exchange between

2152 the President and some reporter on whether or not TOWs are

2153 shoulder-fired or whether they are, you know, launched from

2154 a stationary site.

2155 . And I certainly had no earthly idea what the answer

2156 to that was.

2157 . Q Was it the following morning, then, after the press

2158 conference on the 19th, was it that morning that the

2159 Attorney General shared with you his concern about the

2160 preparation that the President had had for the press

2161 conference?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 90

2162 ... A Yes, well, I am sure that at some point the
2163 following day, whether we met in the morning--
2164 . Q Do you usually meet with him in the morning?
2165 . A I usually participate in a morning meeting with the
2166 Attorney General; it is a staff meeting at which certain
2167 members of his management level staff are present, on a
2168 daily basis.
2169 . Q A daily meeting. What time is that usually held?
2170 . A 8:30.
2171 . Q Do you recall if you went to it that day?
2172 . A I just don't have any recollection.
2173 . Q It is not reflected on your chronology, that is why
2174 I asked.
2175 . A Yeah, and in fact, that meeting is not reflected
2176 anywhere on any of the days in this chronology, but I am
2177 sure I attended that meeting on many of the days reflected
2178 on this chronology. It is just a general session. We would
2179 not have gotten into any noteworthy conversation regarding
2180 the Iran matter at that meeting.
2181 . Q Would the subject of the President's performance the
2182 prior evening have come up?
2183 . A Yeah, entirely possible, entirely possible.
2184 . Q I guess what I am trying to get to here is, had the
2185 Attorney General shared with you his concern about the
2186 President's preparation for his press conference before or

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 91

2187 after you found that day that you were going to be attending
2188 a meeting at 1:30 with the Attorney General at the White
2189 House?

2190 . A I just don't have a clue. I couldn't give you a
2191 guess on that.

2192 . Q Do you recall when you were told that you were going
2193 over to a meeting at 1:30?

2194 . A When I was told that? No. I mean, it was sometime
2195 prior to 1:30, and I think it was sometime on the day of the
2196 20th. I don't think it was before that.

2197 . Q Do you recall preparing to go to that meeting; in
2198 other words, reviewing the chronologies or the legal issues
2199 that you had been working on up to that point, before going
2200 to that meeting?

2201 . A I recall, actually there was some--there were a lot
2202 of things on my plate that day.

2203 . Q You were working on the Chicago speech, that you
2204 told us--

2205 . A No, actually that was behind me. That I had
2206 completed the weekend before, but I guess I just have this
2207 vague recollection that my preparation for that meeting was
2208 very hurried. It had to be compressed in a very short
2209 period of time immediately before I went over, and I tried
2210 to page through the chronology that we had up until that
2211 time, in order to prepare myself for it, and I am virtually

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 92

2212 certain that I had a conversation of a general nature with
2213 John McGinnis in preparation for it.

2214 Q Now, as you understood it, the purpose of your
2215 attending the meeting with the Attorney General was what?
2216 The November 20th meeting at the White House.

2217 Why were you and the Attorney General going to that
2218 meeting at the White House, as you understood it?

2219 A As I understood it, it was the obvious purpose that
2220 lawyers attend preparation meetings with their clients, when
2221 they are preparing to testify on matters that have raised
2222 legal issues.

2223 I fully understood it and likened it to the
2224 preparation of a client for a deposition in the civil
2225 litigation context. I mean, that is just basic to the way I
2226 approached it, and it did strike me as pretty obvious.
2227 Okay, that is point number one.

2228 Q Let me just stop you there for a second. Did you
2229 understand that the reason was to prepare Admiral Poindexter
2230 and Dr. Casey for testimony the following day?

2231 A Yes, I fully understood that Casey was going to
2232 provide testimony on the Hill the following day, and that
2233 Poindexter was going to brief the same cast of Congressmen
2234 and Senators as well.

2235 Q Did you have any reason to think at that point that
2236 you, you meaning you and the Attorney General, that you were

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 93

2237 needed to be there because of anticipated conflicts or
2238 problems with their testimony?

2239 . A No, no, not at all.

2240 . Q Okay.

2241 . Did you have any sense that you were needed there,
2242 you and the Attorney General, to avoid possible problems
2243 that might arise the next day?

2244 . A No. I mean, in terms of--I think about this in terms
2245 of the context of what eventuated, but there was no hint or
2246 inkling in my mind that what, it did actually happen in
2247 terms of detecting a serious conflict, had no inkling that
2248 that might happen.

2249 . So, if that is essentially the--let me be clear on
2250 that--to the extent that is what you are interested in.

2251 . Q Well, that is only part of it. What I am trying to
2252 get to, in part here, Mr. Cooper, is how it is that the
2253 anticipated testimony of two non-Department of Justice
2254 officials rises to the level of concern that the Attorney
2255 General himself is asked to be there to review it with them,
2256 when the facts that will be testified to by those two people
2257 are facts which there is no reason to think that the
2258 Attorney General has any personal knowledge of.

2259 . A No, that is not correct.

2260 . Q Okay, well, let's go through that.

2261 . A And, in fact, it was clear to me that because the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 94

2262 Attorney General had the participation he did, particularly
2263 the legal call participation that he did in early January on
2264 this, that the meetings he attended, and the advice that he
2265 gave and the level of legal review that was given to this
2266 whole initiative was under intense legal scrutiny, was a
2267 matter of obvious concern and would be in the testimony, or
2268 at least in the Q-and-A, among the people on the Hill.

2269 . So, if for no other reason than to participate at
2270 that level with the individuals in Poindexter's office, the
2271 Attorney General's presence at the meeting seemed obvious.
2272 Mine was not nearly so obvious, but the Attorney General
2273 asked me to come along, I had been looking at legal issues,
2274 I had been reviewing chronologies, and it was just possible,
2275 I guess it struck him, that my participation might well
2276 prove helpful in some way, in case some legal issue with
2277 which I was acquainted, or had done some study on, became
2278 the subject of conversation.

2279 . As it happens, I was not an active participant, to
2280 say the least, in the meeting, though I do recall having
2281 held forth for a couple of minutes, frankly, on some legal
2282 issues, and it doesn't even occur to me what it was.

2283 . Q Well, at that point, you had had the chronology a
2284 matter of a couple of days, right?

2285 . A At the most.

2286 . Q Okay. And you, by your own testimony, have admitted

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 95

2287 that you were trying to get a handle on what the facts were.
2288 They were still being collected by the NSC staff--
2289 . A That is right.
2290 . Q --the chronologies were changing almost daily, every
2291 couple of days--
2292 . A They were certainly under constant revision, yes, as
2293 I understood it.
2294 . Q --and the Attorney General, as I understand it, hadn't
2295 been reviewing the chronologies, had he at that point?
2296 . A Well, I think that is right. He had not. I don't
2297 think--I mean, I would imagine--it is entirely possible I was
2298 giving him copies of the chronologies as they came in, but I
2299 don't think that I was.
2300 . Q You didn't view his being there as being there for
2301 the purpose of providing facts that might have otherwise,
2302 people might not know the answer to, did you?
2303 . A Well, he did have a personal involvement at the
2304 level that we have described. He met with the President, he
2305 met with Poindexter and others, in which legal issues were
2306 examined, and he rendered a legal judgment.
2307 . So, yes, he had that level of factual involvement on
2308 which his memory could supplement those of the other people
2309 in the room, and they could just make sure that nobody was
2310 under mistaken memory on the matter.
2311 . Q Do you think his decision to attend this meeting, as

UNCLASSIFIED

NAME: HIR174002

PAGE 96

UNCLASSIFIED

2312 opposed to just sending you was motivated in part because of
2313 his reaction to the level of preparation that the President
2314 had been given the night before?

2315 . A I feel quite confident, yes, and that is my
2316 understanding. He would never have made the decision just
2317 to send me, however. I mean, to the extent there was
2318 somebody whose presence was not obvious, it was mine, and
2319 he, as I appreciate it and understand it, he brought me
2320 along in case I might be helpful in the meeting, but
2321 certainly not because I had any factual information to bring
2322 to the table.

2323 . Q You had judgment that you could render based on your
2324 knowledge at that point of the facts, and the issues on the
2325 horizon certainly.

2326 . A Yes, but as it happens, I didn't really get to share
2327 much of that, either. But the point is, I cannot recall
2328 having attended a meeting in the government where I felt
2329 like something--that the meeting was a waste because we had
2330 too many people there. I can recall many meeting where we
2331 didn't have the right people there, and I don't think it is
2332 possible to err on the inclusion side.

2333 . Of course, in this instance, we are talking about a
2334 very sensitive matter, and you wouldn't have invited--

2335 . Q Yeah, well Congress throngs to it. Congress was
2336 about to be briefed on an area that was obviously a high-

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 97

2337 profile area politically, an area of great concern and
2338 sensitivity to the Administration.

2339 . A Absolutely.

2340 . Q Now, the people at the meeting, you have testified
2341 ^{that} ~~so~~ your chronology indicates who they were. Mr. Poindexter
2342 was represented not only by himself, but he had his counsel
2343 there, Mr. Thompson. Mr. Casey was present, but did not
2344 have anyone from his legal staff, as far as you can recall.

2345 . A That is right.

2346 . Q His General Counsel, who at that time was who?

2347 . A Dave Doherty.

2348 . Q Dave Doherty was not present--

2349 . A That is my--somebody was there with Casey, I don't
2350 think it was Dave Doherty.

2351 . Q Mr. Wallison and his office was not represented, as
2352 you have testified?

2353 . A Right.

2354 . Q Did you think it odd that he wasn't there at that
2355 point?

2356 . A That Wallison wasn't there?

2357 . Q Yeah.

2358 . A By that time--

2359 . Q Especially after the meeting two days before that.

2360 . A Yes. By that time, I was beginning to sense and
2361 certainly appreciate the fact that Peter Wallison was not a

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 98

2362 participant in this, did not seem to be at all being
2363 included in this matter generally.

2364 . Q Was he being frozen out--

2365 . A I and Mr. Poindexter.

2366 . Q Was he basically being frozen out of this situation?

2367 . A I, within an hour of this meeting, certainly
2368 understood that that was his view of it.

2369 . Q Was it your view?

2370 . A It is obvious that he wasn't involved, so presumably
2371 conscious decisions were made not to involve him.

2372 . Q Did you think it odd that there was no one there
2373 representing Donald Regan, his staff?

2374 . A Not particularly, not particularly, and I really
2375 can't say it was odd that Wallison wasn't at this meeting,
2376 but I do think it was odd that he wasn't at any meeting
2377 other than the ones that he called to find out what was
2378 going on.

2379 . It was quite clear that there was some kind of
2380 fissure between the NSC and Peter Wallison of the White
2381 House Counsel.

2382 . Q Have either Thompson or Poindexter indicated to you
2383 in the past, prior to that meeting, that--

2384 . A No, I don't--

2385 . Q --anything that indicated that that was the status of
2386 the situation?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 99

2387 A I don't recall that to be the case.

2388 Q Now, you have testified as to what happened at the

2389 meeting, and you testified about Mr. Casey having a prepared

2390 text, that it was being reviewed, and that there was an

2391 insert to the text that Colonel North was holding forth on.

2392 Was there any discussion or text regarding Mr.

2393 Poindexter's upcoming testimony?

2394 A Yes.

2395 Q Let's start with the text. Was there any text or

2396 outline being reviewed by the assemblage with regard to

2397 Poindexter?

2398 A No. And Poindexter was not going to testify. He

2399 was going to brief.

2400 Q Yes, let's clarify that. He was going to brief the

2401 House Intelligence Committee, was he not, the next morning?

2402 A One of them, to tell you the truth, I don't know

2403 who. I thought he was going to brief both of them during

2404 the course of the day.

2405 Q He did brief both, I believe. It was the House

2406 Intelligence Committee I think he briefed first.

2407 A Yes.

2408 Q First thing--

2409 A Fine.

2410 Q But he didn't have a prepared text or notes, as you

2411 recall?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 100

2412 . A No, I think he did have notes and an outline of some
2413 kind, or at least that was my impression. I do tend to
2414 recall that he made mention of the fact that he would follow
2415 his outline, which closely followed the testimony that, as I
2416 understood it, I had never seen the thing, but as I
2417 understood it, closely followed the testimony that Casey had
2418 prepared, and that as it was revised in our meeting.

2419 . Q So, was it your sense that Admiral Poindexter gave
2420 you and the Attorney General the impression that he was
2421 basically going to be stating the same things that Casey was
2422 going to be stating?

2423 . A Yes.

2424 . Q And that there weren't going to be any--you didn't
2425 see any anticipated discrepancies between their versions of
2426 the events?

2427 . A No, right.

2428 . Q Were you satisfied, in light of the fact that the
2429 chronologies that you had been getting were changing
2430 constantly, that Poindexter was in a position of knowing
2431 enough of the facts solidly to give a briefing the following
2432 morning?

2433 . A Well, I had no reason to doubt that the information
2434 that had been collected and established as of that moment
2435 wasn't the best information developed up until that time,
2436 notwithstanding the fact that even that information might

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 101

2437 well, upon additional development or efforts to gather the
2438 story, change or modify; and in fact, it was just precisely
2439 that point that I discussed with Mr. Casey the following
2440 morning--

2441 Q Exactly.

2442 A --which got put into his testimony.

2443 Q Exactly, that he should make it a point to let the
2444 committees know that this was based upon his best knowledge
2445 at that point, and the facts were constantly being updated
2446 by those who were most knowledgeable.

2447 A And that the facts were being gathered and we are
2448 doing our best, and we are refraining--and he made this
2449 statement in his Q-and-A, in fact, I am told, that we were
2450 refraining from saying anything with respect to the state of
2451 CIA knowledge, let alone USG knowledge regarding the type of
2452 goods that were being transferred in that November Hawks
2453 episode.

2454 But, yes, that is the point. I had no reason to
2455 suspect that this wasn't the best information that was
2456 therefore accurate to the extent it was possible for it to
2457 be accurate, under the present circumstances.

2458 But there was no question but what these--that the
2459 facts as we then understood them were going to be shared
2460 with the Congress the following day. Congress was not
2461 going--nobody was going to suggest, 'Let's just tell them,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 102

2462 look, we are going to put this off another week as we
2463 continue our fact-finding.' That would not have done in
2464 the circumstances that prevailed at the moment.

2465 . Q Now, when you met at that meeting, the 1:30 meeting
2466 on the 20th, the language was proposed at that point, no one
2467 in the U.S. Government had any knowledge, and it was
2468 accepted.

2469 . Later that day, of course, you learned about the
2470 conflict with Secretary Shultz's knowledge. When you
2471 learned about the conflict with Secretary Shultz's
2472 knowledge, you brought it to the attention of Thompson
2473 immediately, right?

2474 . A Well, actually, Wallison brought it to both our
2475 attentions contemporaneously. He had the secure code phone
2476 call with Abe, and mentioned that Secretary Shultz recalls a
2477 telephone call or a conversation with McFarlane.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 103

2478 --RPTS TETER

2479 DCMN TETER

2480 Q And as I recall your testimony, it was at the
2481 end of that day, the very end of that day that you spoke
2482 with Counsel Doherty over at CIA and he informed you that he
2483 had taken that language out of the draft for Director Casey.
2484 Am I right?

2485 A That's right. It was either at the very end of
2486 that day--

2487 Q Like midnight.

2488 A --or the very beginning of the following day.

2489 Q And even having been told that, you still were
2490 planning on going over the next morning, as you did, to
2491 review it one last time?

2492 A That's exactly right.

2493 Q Now, after that phone call with Doherty, did
2494 you--I can't recall if you've testified to this or not, did
2495 you contact, or anyone on your behalf contact Thompson or
2496 Poindexter to tell them that that statement had been removed
2497 from the DCI's testimony, anticipated testimony, that it was
2498 not going to be used?

2499 A No. I'm pretty confident I didn't make any
2500 phone calls after Doherty. At least, I certainly don't
2501 recall any.

2502 Q Okay.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 104

2503 A But I was--that was an evening filled with phone
2504 calls.

2505 Q In fact, I believe you testified you were trying
2506 to reach Thompson at the Kennedy Center in order to get
2507 telephone calls over to Poindexter and McFarlane as you
2508 were trying to iron out their stories.

2509 A Actually, just McFarlane, or at least that's my
2510 recollection.

2511 A Okay. Here's what I'm trying to get at.
2512 Between the time Doherty told you that that statement was
2513 coming out, no U.S.--no one in the U.S. Government--and the
2514 time the next morning you met with Casey, Director Casey,
2515 just before his testimony, as you testified to he was
2516 dashing off to make, during that time interval there, did
2517 anyone, to your knowledge, contact Poindexter or his office
2518 to let them know that Casey is coming off of that statement,
2519 that statement is not going to be used?

2520 A I don't understand that that is the case, no,
2521 because, to the best of my recollection, in my conversation
2522 with Poindexter, he advised me that he had called Casey to
2523 tell him that, to share with him the advice that I had given
2524 to him, Poindexter, but that Casey--he had woken Casey up and
2525 that Casey's response was--satisfied Poindexter that he could
2526 not be confident that any real communication had taken place
2527 because Casey was very groggy and sleepy, so I do not

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 105

2528 understand that, at least, when I concluded my work that
2529 evening, that Poindexter knew that Casey was cognizant of
2530 the existence of a problem. I feel certain that I told
2531 Poindexter that I'm going to go out there in the morning in
2532 all events and make sure that there's no slip-ups on this.
2533 . But no, I do not understand that Poindexter knew
2534 that Casey was squared away on this. Maybe he did. Maybe--
2535 . Q I think you might have lost me. Let me make--get
2536 it clear for myself.
2537 . Was it your understanding that by Friday
2538 morning, when you met with Mr. Casey, that Poindexter, like
2539 Casey, was not going to state--
2540 . A Oh, yes, that's--
2541 . Q --no one in the U.S. Government knew?
2542 . A Yes, he was not going to state that. That was
2543 my understanding.
2544 . Q That was based on your conversation with him
2545 personally?
2546 . A Yes.
2547 . Q Okay, and that was late that evening?
2548 . A It was--yes, late that evening, after my
2549 conversation with the AG, which was pretty late that
2550 evening.
2551 . Q Okay.
2552 . That was despite the fact that McFarlane hadn't

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 106

2553 changed his story, vis-a-vis Shultz.

2554 . A I don't think I outlined to Poindexter the basis
2555 on which I doubted--we doubted the accuracy of the 'no one
2556 in USG statement,' but I did explain to him that we doubt
2557 the accuracy of it or uncertainties have arisen so don't use
2558 it. There's no reason to use it, just don't say anything on
2559 that. We don't know what the facts are. And he was not at
2560 all resistant. He was entirely yielding to that advice.

2561 . Q But certainly the impression he'd given you was
2562 that he didn't know about it. He, Poindexter.

2563 . A Exactly. My impression from--throughout, was
2564 that Poindexter was a receiver of facts on that matter, not
2565 a knower of facts. Just very little difference between him
2566 and me on it.

2567 . Q Was he and Casey, in your mind, free to state to
2568 the committees that maybe someone knew about it?

2569 . A Excuse me?

2570 . Q Were they free, in your mind, to state to the
2571 committees that maybe somebody knew about it prior to
2572 January?

2573 . A I would not have objected to such a statement,
2574 but neither--but even that was not--I mean, maybe somebody
2575 knew about it--

2576 . Q In the U.S. Government?

2577 . A Yes, but we did not know that somebody in the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 107

2578 U.S. Government had known that there were Hawks on that
2579 plane. I don't think one could have--I would not have been
2580 comfortable at that time stating the proposition one way or
2581 another, but to state it maybe would not have troubled me at
2582 all. But I frankly would prefer that the matter simply not
2583 be raised and that following the general catch-all of issues
2584 and facts, it was still trying to run down.

2585 Q And if it had been raised, what was the position
2586 he was going to take, Casey?

2587 A Casey?

2588 Q Yeah, if someone raised that question, a member.

2589 A We're still examining that question and we just
2590 don't have--we don't have a confident response for you on
2591 that.

2592 Q All right.

2593 The next thing I'd like to go over with you is
2594 the debriefing. Now, I believe, after you went out to the
2595 CIA that morning, you came back to the Department of Justice
2596 and, at some point, you had--I believe it was you had lunch
2597 with the Attorney General.

2598 A Right.

2599 Q And John Bolton was present at that--

2600 A Wait a second, what lunch is this?

2601 Q This would have been on Friday, the 21st.

2602 A Well, I have a Bolton (?). My memory hasn't

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 108

2603 improved since I wrote that.

2604 Q Well, let's--

2605 A And John did not take any opportunity yesterday

2606 when that was noted to improve our understanding, so I don't

2607 know. Maybe he doesn't.

2608 Q He had given me the impression at one point that

2609 he was there, but I'm not going to testify.

2610 A He was--I know this. He was at some of the

2611 luncheons that we had. We were having lunch together, i.e.,

2612 the Attorney General, me, Brad Reynolds and John Richardson.

2613 We were having lunch together pretty consistently

2614 throughout this week-long period of time. And I remember

2615 John was there for several--on several of those occasions,

2616 though not every occasion.

2617 Q Okay.

2618 The Attorney General had met with the President

2619 that morning and the President had given him the go-ahead to

2620 pursue an investigation, as you've testified, and of course,

2621 it was at that point that McFarlane--excuse me, Poindexter,

2622 had just finished, or was in the process of briefing the

2623 House Select Committee.

2624 Now, did the Attorney General indicate that he

2625 had any discussions with Admiral Poindexter, either before

2626 or after meeting with President Reagan Friday morning, the

2627 21st?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 109

2628 A While he was at the White House?

2629 Q Right.

2630 A I do not recall any statement by the AG to that

2631 effect. It would not surprise me, however, if he had said

2632 that to me * , but I don't know either whether he made the

2633 statement or whether he had a chat with Poindexter.

2634 Q You just have no knowledge one way or the other.

2635 A I just don't have any recollection of it. What

2636 I do have a recollection of and did when I had this

2637 chronology was that he met with the President with Regan

2638 present.

2639 Q Fine.

2640 Do you have any knowledge of whether or not the

2641 Attorney General that morning at the White House met with or

2642 spoke with Oliver North?

2643 A I have no recollection of that.

2644 Q Is that the kind of thing that if you'd heard

2645 about it, you'd probably remember to put on the chronology?

2646 A Oh, yes, I think I would. Now, I do know at

2647 some point between that time and Sunday, he talked to North,

2648 and probably talked to him two times, to schedule and

2649 arrange for his visit with us. But it's my understanding

2650 that that didn't happen until Saturday.

2651 Q Uh-huh.

2652 A When he first talked with North about coming to meet

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 110

2653 him. It's also my recollection--and this actually may be in
2654 addition to what I've previously testified--that it's my
2655 recollection, though it is vague, that we wanted North in on
2656 Saturday, Saturday afternoon late, but that couldn't be
2657 arranged.

2658 I could certainly be corrected on that, but, in
2659 any event, that is my best recollection.

2660 Q Okay.

2661 Now, Mr. Bolton that morning, I believe, went to
2662 sit in on the testimony of Casey--

2663 A Uh-huh.

2664 Q --before the committees. Was there anybody from
2665 Mr. Bolton's office, or on behalf of the Department of
2666 Justice, for that matter, attending the Poindexter briefing?

2667 A No, I don't think so. I don't recall anybody
2668 having done so.

2669 Q Was anybody at the Department tasked with the
2670 responsibility of debriefing Poindexter after his debriefing
2671 of the committees to find out what he had to say to them?

2672 A No, certainly not that I can recall.

2673 Q So had an inconsistency taken place between the
2674 testimonies of Casey to Congress and Poindexter to Congress,
2675 you wouldn't have been in a position to know about it by
2676 that noon luncheon on Friday?

2677 A That's quite true.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 111

2678 Q Okay. If you recall, at that noon luncheon, did
2679 Mr. Bolton give you a briefing or the Attorney General of
2680 what Director Casey had--
2681 A I don't think it was at that luncheon.
2682 Q Do you think it was before the meeting with
2683 McFarlane at 3:30?
2684 A I--yes, I do think that, but--
2685 Q Okay.
2686 A --it's entirely possible that it wasn't, and
2687 that, in fact, he briefed us after that, but my best
2688 recollection is that he briefed us sometime midafternoon.
2689 Q But it was that day? You are very confident it
2690 was that day, the 25th?
2691 A Yes, I am quite confident of that.
2692 Q Who was present for the briefing, as you recall,
2693 besides yourself?
2694 A I would expect that Brad and John Richardson
2695 were.
2696 Q And was the Attorney General present?
2697 A Oh, yes.
2698 Q And without recounting his entire briefing, with
2699 regard to the points that you had been specifically involved
2700 in in ensuring the accuracy of--what was Mr. Bolton's
2701 recounting of that?
2702 A That Mr. Casey's testimony on those matters that

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 112

2703 I was particularly alert to was entirely consistent with my
2704 hopes and expectations.

2705 Q And prior to Mr. Casey's testimony, had you been
2706 able to brief Mr. Bolton on how you had left it with Mr.
2707 Casey out at Langley--

2708 A Prior to that?

2709 Q Yes.

2710 A I don't have a specific recollection of it, but
2711 I would imagine that he was somehow alerted to the relevance
2712 of November--

2713 Q The Shultz discrepancy.

2714 A I just don't remember whether we got into that,
2715 to tell you the truth, but I think he went up there knowing
2716 that November was an important subject matter of discussion.

2717 Q And he took notes, in any event; didn't he?

2718 A Yes.

2719 Q And he had the benefit of those notes for the
2720 review, the briefing he gave you and the Attorney General.

2721 A I recall very well that he paged through his
2722 copious notes.

2723 Q And he had a copy of the prepared text that the
2724 Director had with him?

2725 A I do not remember that. I wish he had because I
2726 would have found it last night.

2727 (Laughter.)

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 113

2728 BY MR. LEON:

2729 Q But you recall satisfying, to your own
2730 satisfaction, in getting your briefing, that Director
2731 Casey's testimony was consistent with your understanding of
2732 what it would be when you left him at Langley?

2733 A Yes. The only thing that was new or
2734 particularly noteworthy about Casey's testimony as reported
2735 by John Bolton was the fact of certain information contained
2736 in documents that were gathered and preserved by certain
2737 Federal agencies.

2738 Is that better--

2739 [Laughter.]

2740 THE WITNESS: --based upon your remark yesterday
2741 as to the word I should not use?

2742 BY MR. LEON:

2743 Q Yeah, I think "intelligence," certainly using
2744 the word "intelligence agency" is okay, and materials of
2745 an intelligence agency.

2746 A All right.

2747 Q Before I move on to the McFarlane meeting, I'd
2748 noted in my notes that when you were testifying about
2749 Exhibit 8, which is the chronology on the 20th of November,
2750 the 2000 hour chronology, if you want to call it, historical
2751 chronology, that you commented at one point that the
2752 information was being gathered and updated feverishly, and

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 114

2753 as a consequence of that, you didn't feel you had time to be
2754 sitting there, you know, comparing the various stages of the
2755 chronology because you understood they were being changed on
2756 a regular basis.

2757 . A That's right.

2758 . Q Is that consistent with your recollection of
2759 your testimony yesterday?

2760 . A Yes.

2761 . Q I guess my question is, what was the great sense
2762 of rush? At this point, you didn't know anything about the
2763 diversion memo clearly. You're doing a legal analysis of
2764 issues; there's no court date on the horizon that you have
2765 to be prepared for. Obviously there were important facts
2766 and issues to be looking into, but, you know, they were
2767 being gathered and worked at, you know, diligently.

2768 . What was it that--what was your sense of what the
2769 rush was to get it all assembled and to reach a conclusion?

2770 . A My rush?

2771 . Q No, the rush over at the MSC. I mean, the rush
2772 to get the facts together quickly and to come up with some
2773 legal conclusions. What was the great urgency?

2774 . A I don't think MSC was rushing to come up with
2775 legal conclusions.

2776 . Q Okay.

2777 . A That was my job, at least my job as I understood

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 115

2778 it in relation to my superior, the Attorney General, who
2779 wanted to hear from me my legal analysis on the issues and
2780 the statutes that apply.

2781 Q I'm talking now pre-20th.

2782 A But their rush to put the facts together was
2783 to--was to accurately share them with Congress.

2784 Q You mean the--

2785 A I'm not sure that I was at all satisfied with
2786 the state of their urgency--

2787 Q Yeah, let me--

2788 A I thought that this project was, you know, as
2789 complex and as long a period of time as this initiative had
2790 consumed, I guess I was a little impatient, frankly, with
2791 their ability to gather the facts. But--so it didn't strike
2792 me that they were--while they were proceeding, I am sure,
2793 with dispatch in an effort to get it done so that the story
2794 could be shared with the Congress--keep in mind the context
2795 in which this whole thing took place.

2796 It was even then at a fevered pitch, the
2797 political controversy that had been created by this.
2798 Remember the press conference.

2799 Q Oh, yes.

2800 A Remember the controversy was so intense that the
2801 President felt like he had to speak to the Nation a week
2802 earlier. This was a very big-ticket item for the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 116

2803 Administration from a political standpoint.

2804 Q What I'm trying to--

2805 A People were trying their best, I think, to

2806 provide the facts of the Administration's story and

2807 explanation for this initiative. It was kind of dribbling

2808 out in one successive news story after another, rather than

2809 in a coherent story with a beginning, a middle and an end.

2810 Q Okay. Let me see if I can put it in context.

2811 Up until the 20th, up until the point on the

2812 20th when you had a dispute between two cabinet officers

2813 over a very important fact, up to that point, the sense that

2814 I've gotten from your testimony is that there was great rush

2815 and urgency over at the MSC to assemble these facts and put

2816 it into a chronology. That's the sense I've got.

2817 A I don't think that's inaccurate.

2818 Q Okay. And so much so was the case that these

2819 chronologies were changing. I mean, I believe there was a

2820 chronology at 1300 hours on the 20th; there was one at 2000

2821 hours on the 20th. I mean, they were changing constantly.

2822 A Yes.

2823 Q And--

2824 A They were being revised and updated, was my

2825 understanding.

2826 Q And as experience certainly would dictate, when

2827 you're trying to master a huge project under great haste,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 117

2828 Mistakes can be made and facts can be overseen.

2829 . A Absolutely. Absolutely.

2830 . Q Was there any sense prior to that that maybe

2831 they're going too fast; we've got to slow these guys down;

2832 let's get the facts right the first time; let's not let

2833 anything fall through the cracks.

2834 . Was there any sense that maybe the MSC was

2835 rushing so much that they were going to overlook something?

2836 . A That was not a sense that I had developed. It

2837 may well be, Mr. Leon, that if I went through the various

2838 versions of the chronology and compared them painstakingly,

2839 which I have never done--

2840 . Q Uh-huh.

2841 . A --but if I did that, I'd get a sense that is

2842 similar to the one you described--

2843 . Q Okay.

2844 . A --but I didn't have it then. I had a sense,

2845 certainly, and it was my view that the matter should be

2846 accurate, whatever facts are shared and whenever they're

2847 shared, they should be facts on which we have confidence of

2848 their accuracy.

2849 . Q Okay. Obviously, I couldn't agree with you

2850 more.

2851 . Now, let's shift to the 20th. Now, on the 20th--

2852 . A But that we should do our darnedest to gather as

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 118

2853 Much of the factual story as possible to share at the
2854 earliest possible time.

2855 . Q Of course, of course.

2856 . A Beyond that, really, I guess I would not be
2857 willing to accept any other characterization.

2858 . Q On the 20th, you have a new situation, as I can
2859 see it. You've got a conflict on major factual issues
2860 between two cabinet officers and the Attorney General
2861 recommending--and his recommendation being accepted by the
2862 President to begin an investigation into the facts.

2863 . A That's on the 21st.

2864 . Q Excuse me, the 21st, and a deadline has been
2865 set, at least tentatively, of 2:00 Monday.

2866 . A Right.

2867 . Q Three days later.

2868 . A Right.

2869 . Q To do an investigation into the matter for the
2870 NSPG meeting coming up. Who set the deadline?

2871 . A The President. It coincided with the NSPG
2872 meeting that was scheduled to discuss the Iran controversy
2873 initiative.

2874 . Q Do you have any knowledge from your discussions
2875 with the Attorney General or anyone else as to whether or
2876 not setting that short a deadline was raised as a problem at
2877 that meeting between the President, Donald Regan and the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 119

2878 Attorney General?

2879 . A No, I don't have any knowledge that that was.

2880 . Q Was it your sense that the Attorney General

2881 thought that was a reasonable deadline to do this type of an

2882 investigation?

2883 . A Well, now, I really think that the scope of the

2884 investigation that I infer that you have in mind may be a

2885 little bit different than the scope that I have in mind.

2886 The focus of our attention, my attention, certainly--

2887 . Q On Friday.

2888 . A Yes. Was pre-January. Everything that happened

2889 after January seemed not to have a whole lot of controversy

2890 about it. There weren't collisions in recollections--

2891 . Q Uh-huh.

2892 . A --that we had detected or had taken note of.

2893 There certainly weren't--we were comfortable with the legal

2894 posture of post-January, so our focus was pre-January.

2895 . But even thus limited, the period of time that

2896 we had to interview the people with knowledge regarding pre-

2897 January, whether the United States of America had a formal,

2898 official role in those events was very short, and we were

2899 fully sensitive to that fact.

2900 . Q And you were proceeding into that investigation,

2901 is it fair to say, on the assumption that those who you

2902 would be talking with would be totally candid and forthright

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 120

2903 and honest about their knowledge of the U.S. Government's
2904 knowledge of the events?

2905 . A Well, yes, with the footnote that we had reason
2906 to believe by theⁿ that the recollection of Mr. North and
2907 Mr. McFarlane with respect to the November episode was
2908 flawed on a point that it was--it seemed unlikely that one's
2909 recollection would be flawed. Okay? So it was not with
2910 blinders on or with, you know, an overly naive sense of
2911 trusting that I approached the interviews, either of Mr.
2912 McFarlane or Mr. North.

2913 . Q In the case of McFarlane, you had reason to be
2914 suspect because there was a direct conflict between him and
2915 Secretary Shultz, who had notes verifying what he believed
2916 McFarlane knew; correct?

2917 . A That's right.

2918 . Q Okay.

2919 . With regard to North, as of that Friday
2920 afternoon, your question as to North's candor would have
2921 been in your mind based on what?

2922 . A Well--

2923 . Q The assumption that McFarlane had told North
2924 that he knew prior to January?

2925 . A No, nothing--nothing--well, certainly the distinct
2926 possibility--

2927 . Q I mean, why were you suspicious of North as of

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 121

2928 November 21st?

2929 . A I think perhaps to say "'suspicious'" puts it
2930 too high.

2931 . Q Okay.

2932 . A It was with the footnote that I've already
2933 described.

2934 . Q In other words, when he proposed no one in the
2935 U.S. Government knew about that--

2936 . A He may well have been nothing other than a
2937 reporter of what McFarlane told him--

2938 . Q Exactly.

2939 . A Certainly that is true.

2940 . Q Exactly.

2941 . A Certainly that is true.

2942 . Q Okay.

2943 . A Nonetheless, it is also possible that he was not
2944 just a reporter on that fact.

2945 . Q You know there's a close relationship between
2946 North and McFarlane.

2947 . A So I was given to understand. And I did know--or
2948 at least I was given to understand that the two of them were
2949 the principal authors, so to speak, of the chronology and
2950 that they had worked together in an effort to produce the
2951 chronology.

2952 . Q Who told you that?

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 122

2953 A I think Paul Thompson did. But certainly when
 2954 Paul Thompson--when I told Paul Thompson to go back to North--
 2955 Q On Thursday night.
 2956 A On Friday--on Thursday night to go back to North
 2957 and particularly have him reexamine McFarlane--
 2958 Q All right.
 2959 A --the response that I got back was that that had
 2960 been done, but there was no change in their recollections.
 2961 Of course, since then, I had an additional reason to place
 2962 credibility in the Secretary--in the State Department's
 2963 understanding of the events.
 2964 Q Exactly.
 2965 A So I think at this moment, we may understand
 2966 each other on the state of our mind.
 2967 Q I think that is very important for the record.
 2968 A And it is very important on the state of the--
 2969 Q The Attorney General's mind?
 2970 A Well, I can't represent that, but that is my
 2971 best to represent my own.
 2972 Q Let me focus your attention on--
 2973 MR. LEON: Can we go off the record for a
 2974 second.
 2975 [Discussion off the record.]?
 2976 MR. LEON: I would like some reference on the
 2977 record that we will be proceeding ahead without

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 123

2978 representation by Senate counsel and House majority counsel
2979 just so that we can keep going and at least that's on the
2980 record.

2981 . MR. BOLTON: I would be prepared to offer on
2982 Chuck's behalf as well that if, when you do see the
2983 transcript or hear reports of the questioning that goes on
2984 in your absence, if you've got further questions before
2985 Thursday, if they're relatively brief, we will try to
2986 address them, either over the phone or--

2987 . MR. LEON: Could do a conference call or
2988 something.

2989 . THE WITNESS: Of course.

2990 . MR. LEON: So the House and Senate counsel have
2991 no objection to our proceeding?

2992 . Is that a yes?

2993 . MS. NAUGHTON: Assuming there are no off-the-
2994 record conversations of substance that I won't get in the
2995 transcript.

2996 . THE WITNESS: I will not participate in any
2997 such--

2998 . MR. LEON: There absolutely will not be.

2999 . MS. NAUGHTON: Fine, Thank you.

3000 . MR. PARRY: Nor involving me.

3001 . [Laughter.]

3002 . MR. LEON: I will give you the same assurances,

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R174002

PAGE 124

3003 that there will be no such thing.

3004 . [Whereupon, at 1:00 p.m., the deposition was
3005 recessed for lunch.]

3006 . AFTERNOON SESSION (1:25 p.m.)

3007 . MR. LEON: (Presiding) We're back on the record
3008 in the never-ending saga of the Charles Cooper deposition.
3009 Phase IV, I guess we're in now.

3010 . We have present John Bolton, Assistant Attorney
3011 General, and obviously Mr. Cooper and myself, and Tina
3012 Westby.

3013 . When we left off, Mr. Cooper, we were on
3014 November 21st events and I was commenting, I believe, on one
3015 of your earlier statements in the deposition about the
3016 feverish pace at which they were doing the chronology. I
3017 was inquiring into why it was that the MSC seemed to be
3018 rushing to get everything compiled.

3019 . Now, of course, things shifted on the 21st to a
3020 dispute between cabinet officers, a rather important fact,
3021 and now an MSPG meeting was the new deadline to iron out at
3022 least a portion of the investigation relating to the pre-
3023 January events. And with that as a context, let me--let me,
3024 before I go into the McFarlane interview and the matters
3025 relating to that and strategy of the investigation, take you
3026 to Exhibit 15, which I've noticed in my notes I made some
3027 notes about that I wanted to ask you.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 125

3028 -- Let me hand you Exhibit 15, Mr. Cooper, which I
3029 believe is the insert that you were reviewing at the meeting
3030 on November 20th; is that right, the CIA-proposed insert?

3031 THE WITNESS: I don't know who's proposed it--

3032 MR. LEON: Well, that's a good point unto
3033 itself; you don't know who proposed it.

3034 THE WITNESS: In other words, I just don't
3035 recall what the precise origin of it was; whether it was
3036 something that the CIA offered. I suspect strongly that it
3037 was. I doubt it was MSC since the person who had the most
3038 knowledge at MSC, obviously, or at least apparently, Colonel
3039 North, made a number of suggestions for change in it, so
3040 presumably it did emanate from CIA. But, yes, this is the
3041 document that I referred to yesterday.

3042 BY MR. LEON:

3043 Q Now, what portion of the meeting would you
3044 estimate--I think your notes indicate the meeting went from
3045 1:30 to 3:00. What portion of the meeting would you say
3046 that the discussion of that document, roughly, concerned?
3047 Twenty minutes, an hour?

3048 A I really don't have much confidence in my
3049 estimate, but the estimate that I would hazard would be in
3050 the nature--in the neighborhood of 20 minutes or to an hour.
3051 This event, from a factual standpoint, was--this November
3052 event was the dominant source of discussion and we did focus

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 126

3053 attention on this particular insert more than, to my
3054 recollection, we focused on any other single matter, and
3055 more than we focused on the rest of the testimony itself.

3056 Q Did Mr. McFarlane's name come up in the context
3057 of these events here being reviewed since he was the NSC
3058 advisor at the time?

3059 A I feel certain that his name came up during this
3060 meeting. Whether it did in the context of this particular
3061 November matter, I just don't recall. It's entirely
3062 possible.

3063 Q Do you recall any^{one} commenting that we've spoken
3064 with Bud McFarlane and he doesn't know? He didn't know
3065 about anything pre-January?

3066 A No, I don't recall any particular reference
3067 having been made to McFarlane by North, who was the one who
3068 was making this point that you're referring to, but I do
3069 recall--or it is my recollection that Colonel North made the
3070 point that to leave it the way it is is to suggest or
3071 provide the basis for an inference that someone other
3072 than--someone at NSC or elsewhere in the United States
3073 Government knew about this and that was not the case.

3074 So presumably that would include, at least to
3075 North's knowledge, McFarlane.

3076 Q And you were aware at that point, were you not,
3077 that McFarlane had been involved in helping putting together

UNCLASSIFIED

NAME: HIR174002

PAGE 127

UNCLASSIFIED

3078 the chronology.

3079 . A That was certainly my understanding.

3080 . Q And, therefore, that North and he and Poindexter

3081 had been in contact with one another relatively recently

3082 about these very matters.

3083 . A That was my conclusion.

3084 . Q So you have no reason to think that what was

3085 being proposed here was inconsistent with what Bud

3086 McFarlane's knowledge was at that time?

3087 . A No, I had no reason to think that. In fact, I

3088 had, I think, a basis to conclude precisely the contrary,

3089 that this was consistent with his--McFarlane's understanding

3090 of the facts and represented, in fact, his and North's

3091 understanding of the facts.

3092 . Q The phraseology that was agreed upon at that

3093 meeting that no one in U.S. Government had knowledge, did

3094 that strike you on that occasion as being a little too

3095 categorical?

3096 . A No, not at the meeting, it didn't.

3097 . Q The next morning--

3098 . A After the fact, that was the fact. I had no

3099 basis on which to question it.

3100 . Q The next morning, you proposed to Director Casey

3101 a caveat-type of language that he should include in his

3102 testimony with regard to the facts that he knew.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 128

3103 . . A Yes.

3104 . . Q Did that come up as a possibility at that

3105 meeting with regard to this statement?

3106 . . A No.

3107 . . Q No.

3108 . . Did the Attorney General, at that meeting on the

3109 20th, make any comment to those assembled, Mr. Casey,

3110 Admiral Poindexter, Colonel North, did he make any comment

3111 to them about his surprise, since he had registered it to

3112 you a few days earlier, his surprise about pre-January

3113 events?

3114 . . A Who?

3115 . . Q The Attorney General.

3116 . . A When I--it was--I was thoroughly clear that the

3117 Attorney General did not know about the pre-January arms

3118 activities prior to the time that we, he and I, were made

3119 aware of that in the chronology.

3120 . . Q And he knew that before this meeting on the 20th

3121 because you had told him about it, the January 17th events.

3122 . . A The January 17th?

3123 . . Q I mean the pre-January events, excuse me.

3124 . . A Yes.

3125 . . Q So what I'm wondering is, at the meeting on the

3126 20th, which brought together a lot of the major players, did

3127 he express to them on that occasion the same kind of

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 129

3128 surprise that he'd expressed to you when you brought his
3129 attention to pre-January events? Did he express that kind
3130 of surprise to them?

3131 . A I do not recall that.
3132 . Q Okay.
3133 . Do you know if he ever did in any other setting
3134 with them?

3135 . A He may have done it in that setting; I just
3136 don't recall that element of a conversation of the meeting,
3137 if indeed, it was an element of the meeting, but neither do
3138 I recall anything that answers to that description at any
3139 other time.

3140 . Q Okay.
3141 . Did he voice any--the Attorney General voice
3142 any--make any point to you about Don Regan or his office not
3143 being present at that meeting on the 20th? Did he comment
3144 to you either way about that?

3145 . A I don't recall a comment to that effect, no, or
3146 an observation along those lines.

3147 . Q What was Mr. Wallison's reaction to being
3148 informed later that day of the discrepancy between McFarlane
3149 and Shultz on the pre-January knowledge of the Hawk
3150 shipment?

3151 . A I--his reaction was not one of perceptible or
3152 particular noteworthy change in his demeanor. He expressed

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 130

3153 to us what Abe had just said and--

3154 . Q Was he concerned about it?

3155 . A Yes. I certainly--his reaction was not one of

3156 unconcern, but I think I was--I would not describe his

3157 reaction as an agitated or excited one.

3158 . Q Did he express the possibility of a need for an

3159 investigation?

3160 . A No, I don't recall that.

3161 . Q Did he express any intent on his part to bring

3162 it to the attention of Donald Regan?

3163 . A I do not recall any expression to that effect.

3164 . Q Did the Attorney General inform you after his

3165 meeting with the President and Donald Regan on Friday

3166 morning, the 21st, that Donald Regan had, at that meeting,

3167 mentioned being informed by Wallison on the previous day

3168 about this discrepancy?

3169 . A No.

3170 . Q Do you have any knowledge of Wallison ever

3171 informing Donald Regan about that prior to the meeting with

3172 the President?

3173 . A I have no knowledge at all of what, if anything,

3174 Wallison did as a consequence of that meeting.

UNCLASSIFIED

NAME: HIR174002

PAGE 131

UNCLASSIFIED

3175
3176 RPTS TETER
3177 DCMN TETER
3178 Q Did you inform Wallison on Friday, after the
3179 Attorney General requested the investigation and the
3180 President authorized one? Did you inform Wallison the
3181 investigation would take place?
3182 A No, I don't think I had another conversation
3183 with Peter throughout the factfinding--
3184 Q --weekend.
3185 A Yeah, weekend.
3186 Q Okay.
3187 A As a matter of fact, I think the next time I had
3188 a conversation with Wallison, it was Tuesday morning when I
3189 went over there and we started working on the President's
3190 statement.
3191 Q All right.
3192 Now, at the lunch on Friday with yourself and
3193 the Attorney General, Brad, Mr. Bolton, I believe was
3194 present. Is that right, Mr. Bolton?
3195 MR. BOLTON: I recall being present.
3196 MR. LEON: Okay.
3197 THE WITNESS: That's consistent with my
3198 chronology.
3199 BY MR. LEON:

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 132

3200 Q And John Richardson. John Richardson was there.
3201 J.R.
3202 A Well, I defer to my chronology on that. I can
3203 say that, yes, he was.
3204 Q Was it at the time of that luncheon that the
3205 Attorney General laid out the game plan for the
3206 investigation or was it afterwards?
3207 A We discussed the matters that--the task at hand.
3208 Whether or not we closed on a so-called game plan is
3209 something I can't confidently state, but we discussed the
3210 things that we needed to do, and including identifying the
3211 people we needed to talk to.
3212 Q Okay.
3213 A And either at that lunch or very shortly
3214 thereafter, we arranged--we had discussion about the order in
3215 which we ought to try to speak to these people.
3216 Q Let me focus your attention on the first page of
3217 Exhibit 1.
3218 A Uh-huh.
3219 Q These are your notes; are they not, on this
3220 page?
3221 A These are--at least the notes above the fold, so
3222 to speak, are mine. There is a small square note that John
3223 McGinnis wrote to me on the bottom, at the bottom half of
3224 the page.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 133

3225 Q What does that note begin with, the one McGinnis
3226 wrote?
3227 A "'Chuck.'"
3228 Q Okay. And it ends with what word?
3229 A "'McFarlane.'"
3230 Q Okay. But all of the handwriting above that is
3231 yours.
3232 A Everything else is mine.
3233 Q Okay.
3234 Now, when did you take these notes, if you can
3235 recall?
3236 A I cannot recall. I do not remember whether I
3237 took these notes as we planned the interviews that we would
3238 have or whether I took them after we had had some of the
3239 interviews that we were going to have. I just don't
3240 remember when I did it. It's entirely possible that I took
3241 these notes before, but I can't state that with firmness.
3242 Q Would it be fair to characterize the listing at
3243 the top that starts with McFarlane's name and it goes down
3244 to Casey's name, would it be fair to characterize that as a
3245 proposed batting order in which to see the witnesses?
3246 A If I did this before we actually saw them, yes,
3247 that would be fair--it would be fair to characterize it in
3248 that way.
3249 Q Well, is it, in fact, the order that you

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 134

3250 ultimately saw the witnesses in?

3251 . A Yes. At least the ones that I participated in

3252 the interviewing. I can't speak from the standpoint of

3253 personal knowledge that the ones below the bracket, that is,

3254 the ones below North, were seen by the AG in that order, but

3255 they were certainly seen by the AG in turn, in some order.

3256 . Q Let's clarify it. According to your chronology,

3257 and I believe your testimony, you saw McFarlane first; is

3258 that right?

3259 . A That's true.

3260 . Q And Shultz was seen the following morning,

3261 Saturday morning.

3262 . A That's right.

3263 . Q Sporkin followed later that day.

3264 . A Right.

3265 . Q North wasn't seen Saturday, was seen Sunday

3266 afternoon.

3267 . A That's right.

3268 . Q Between Sporkin on Saturday morning, I believe

3269 it is--

3270 . A Sporkin was Saturday afternoon according to my

3271 chronology and my memory, although I take it from yesterday

3272 that there is some uncertainty about that.

3273 . Q Between Sporkin and North, the Attorney General

3274 spoke with Mr. Casey over the phone?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 135

3275 . A Excuse me?

3276 . Q He met with Mr. Casey that evening, Saturday

3277 evening; did he not?

3278 . A Yes, yes, that's my understanding.

3279 . Q And then he spoke over the phone, was it, with

3280 Secretary Weinberger on Sunday?

3281 . A I--he did speak over the phone, or at least

3282 that's my understanding. It was certainly not at any time

3283 when I was present that I recall.

3284 . Q Let's take a look at your chronology to see if

3285 we can pinpoint when he spoke to Weinberger.

3286 . A I don't think you'll find Weinberger reflected

3287 on this chronology.

3288 . Q Do you remember him reporting to you that he had

3289 spoken with Weinberger?

3290 . A I do not.

3291 . Q You don't. Are you confident that he had spoken

3292 with Weinberger before he saw the President?

3293 . A Yes.

3294 . Q Okay.

3295 . All right. Then turning your attention to the--

3296 . A Before he saw the President on Monday morning?

3297 . Q Monday morning.

3298 . A I guess I can't say I am confident of that. He

3299 may have spoken with Weinberger after that.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 136

3300 Q All right.

3301 Then turning your attention to Monday the 24th

3302 on your own chronology, according to that, the Attorney

3303 General met with McFarlane again at 10:00. Then he met with

3304 the President and Donald Regan together. Is that right? AG

3305 at 11:00. It says, 'AG meets with President and Regan.'

3306 A Yes.

3307 Q And then he separately thereafter met with

3308 Poindexter.

3309 A Right.

3310 Q And then he separately met with the Vice

3311 President.

3312 A That is my understanding.

3313 Q Okay.

3314 Now, let's start off by focusing on--so, looking

3315 back to now the batting order on the first page of--or the

3316 listing--I shouldn't say batting order--the listing on the

3317 first page of Exhibit 1.

3318 As to the witnesses below North, as it turned

3319 out, that wasn't the order in which they were seen. Because

3320 under that order, Poindexter and the Vice President are seen

3321 before the President and Regan is seen after the President

3322 and Casey is seen after the President when, in fact, it

3323 didn't turn out that way.

3324 A Apparently that's the case.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 137

3325 Q Okay.

3326 Now, I believe you testified that McFarlane
3327 certainly was one of the people on this list--

3328 A I want to say that I don't have a high level of
3329 confidence regarding my chronology's representation or the
3330 suggestion that the chronology gives that he met with the
3331 President and Regan before he met with either Poindexter or
3332 the Vice President. That is--

3333 Q You're not sure.

3334 A I'm not. He may well have met with Poindexter
3335 first, the Vice President second. I just don't know whether
3336 this reflects an understanding I had at the time that I
3337 wrote it that this was the order, as opposed to the--in which
3338 he met them, as opposed to the fact that these were the
3339 people he talked to and he talked to Poindexter and the Vice
3340 President separately and apart from anyone else.

3341 Q So you're not certain about the order.

3342 A I'm not, though I have to say I think that this
3343 would also record my understanding at the time of the order.

3344 Q All right.

3345 Now, you've testified that McFarlane--as to Mr.
3346 McFarlane, certainly there were--there was concern before he
3347 was even interviewed that he might, because of his
3348 discrepancy with Secretary Shultz, he might not be totally
3349 candid.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 138

3350 . A McFarlane?

3351 . Q Right. I think you've testified to that.

3352 . A I've testified that it was against the

3353 discrepancy that we had discovered that we interviewed Mr.

3354 McFarlane.

3355 . Q But you were concerned about his candor; were

3356 you not?

3357 . A Afterwards?

3358 . Q Before. I think you just testified a while ago

3359 that, as to North and McFarlane in the beginning of the

3360 investigation, you were worried--you were concerned about

3361 their candor.

3362 . A Against the backdrop of--

3363 . [Telephone call.]

3364 . MR. LEON: Let's go off the record.

3365 . [Discussion off the record.]

3366 . MR. LEON: We're back on.

3367 . THE WITNESS: I don't want to appear to be

3368 resisting your characterization. It was against the

3369 backdrop of the discrepancy that was discovered on the Hawk

3370 episode, coupled with evidence to suggest that it was the

3371 State Department version which was most likely to be correct

3372 that I approached the interview with McFarlane, but I would

3373 resist the notion that I expected him not to be candid or

3374 anything like that.

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 139

3375 Q I'm not saying that. What I'd earlier asked you
3376 was, when you began the investigation phase that afternoon
3377 on Friday, were you proceeding on the assumption that
3378 everybody that you would question would be truthful and
3379 candid, you know, fully complete in their testimony? And I
3380 believe--I don't want to mischaracterize now, but I believe
3381 your answer was, well, there were concerns about North and
3382 Poindexter--excuse me, North and McFarlane, based on the
3383 events of the night before where you had a Shultz story
3384 corroborated by notes, versus a McFarlane story, not
3385 corroborated by notes, which not only McFarlane was
3386 unwilling to change, but which North, upon learning about
3387 the discrepancy, was unwilling to back off of his position,
3388 even, which raised some questions in your mind with regard
3389 to North and McFarlane as to whether they'd be completely
3390 candid.

3391 I think that's what you said and I want--

3392 A I would just prefer the cold transcript to--and
3393 the--to reflect what it is that I said on that--

3394 Q Let me put it to you succinctly. Were you
3395 concerned, as you began the investigation, were you
3396 concerned, personally, with respect to McFarlane and North
3397 as to whether they'd be completely candid and honest? Were
3398 you concerned?

3399 A I was wary. It was not, as I tried to mention

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 140

3400 earlier, it was not with blinders or without--it was not
3401 without this awareness of and sensitivity to the evidence
3402 that had previously come to us that I approached the
3403 interview with Mr. McFarlane.

3404 Q Okay.

3405 A Now, do you think--

3406 A I should add, I'd never met the man.

3407 Q I understand.

3408 A And I had no other reason for entertaining any
3409 doubts about his candor.

3410 Q Do you know if the Attorney General had any
3411 doubts in that regard as you began the investigation?

3412 A I don't think--I don't recall either of us having
3413 discussed it particularly.

3414 Q Now--

3415 A But it was obviously--it was obviously Mr.
3416 McFarlane's and Mr. North's adherence to a version of the
3417 facts contrary and understanding the facts supplied by other
3418 sources that the whole thing was taking place in the first
3419 place.

3420 Q And that was certainly a great concern to you.
3421 I assume it was the Attorney General's decision and not your
3422 own to question Mr. McFarlane first in the order of
3423 witnesses.

3424 A Yes, I was not--the Attorney General was making

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 141

3425 | the decisions here--

3426 | Q Right.

3427 | A That, however, was one which I entirely
3428 | concurred.

3429 | Q Do you have any insight--did he provide you any
3430 | insight as to why he wanted to start with McFarlane, who, in
3431 | your-
✓ 3431 | your mind, at least, was--you were wary of, as opposed to
3432 | waiting until later, after you'd heard other people's
3433 | stories before you met with him?

3434 | A I think McFarlane was the obvious first choice.
3435 | He was the one alleged to have had a 50 percent role in the
3436 | conversation that the Secretary of State recalled and which
3437 | was allegedly documented in contemporaneous notes. So,
3438 | talking to him directly about that seemed to be to us the
3439 | first thing on the list.

3440 | Q Now, you'd never run a criminal investigation
3441 | before, had you?

3442 | A I had not.

3443 | Q This wasn't a criminal investigation; I don't
3444 | want to imply that, but this wasn't one.

3445 | A It was not.

3446 | Q Okay.

3447 | The Attorney General had been a prosecutor in
3448 | his youth; had he not?

3449 | A Oh, yeah, he had.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 142

3450 . Q Was anybody else on the team, so to speak, a
3451 former prosecutor besides the Attorney General?

3452 . A No, not to my knowledge.

3453 . Q Are you aware that it's common in the conducting
3454 of criminal prosecutions to leave the targets, so to speak,
3455 the questionable people in the investigation, until the end
3456 of the investigation, after you've gathered evidence which
3457 may tend to corroborate or not corroborate their testimony?

3458 . Are you familiar with that technique as part of
3459 a criminal investigation?

3460 . A Well, I'm not familiar with traditional
3461 techniques of criminal investigation--

3462 . Q Okay.

3463 . A --but I certainly don't resist that proposition,
3464 though. It seems to me to be logical and to make sense.

3465 . Q Do you think Mr. McFarlane would have--did you
3466 expect Mr. McFarlane would have some kind of documentation
3467 that might support his version or recollection of the
3468 events?

3469 . A I didn't know what he might have to--

3470 . Q He hadn't alluded to any in the conversations he
3471 had had with Thompson, certainly, had he?

3472 . A I have no idea. I don't know of any
3473 conversations he may have had with Thompson particularly.

3474 . Q Well, hadn't Thompson reported that he had

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 143

3475 spoken with McFarlane and that he wasn't changing his story?

3476 . A No, I think--my recollection is that he spoke

3477 with North, who, in turn--

3478 . Q Oh, with McFarlane, all right.

3479 . A --and, he hadn't, and in fact, subsequently he

3480 hadn't been able to get in touch with either of them.

3481 That's my recollection, anyway, after I reiterated my urging

3482 to him to get back to him if he could and advise him of what

3483 I had just learned. That changed their recollection or

3484 improved it, so I don't think--I'm not aware of any

3485 conversation he may have had with McFarlane.

3486 . Q When you had finished the questioning of

3487 McFarlane that afternoon, I believe you testified that you

3488 and the Attorney General spoke about it and you each

3489 expressed concern about his candor. Is that fair?

3490 . A I think we both had a sense of--let me say a lack

3491 of complete confidence that Mr. McFarlane had been entirely

3492 forthcoming.

3493 . Q Okay.

3494 . And you've testified that he didn't mention

3495 anything about Oliver North mentioning shredding documents

3496 that day.

3497 . A He certainly didn't.

3498 . Q But that he did mention, at least according to

3499 the Attorney General's recollection, as told to you, that he

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 144

3500 intended or wanted to do whatever he could to help the
3501 President as best as possible.

3502 A He had a brief conversation at the tail end of
3503 our interview with the Attorney General, in which I was not
3504 present, the theme of which is, as I recall from the AG
3505 acquainting me with the theme of it afterwards, that he
3506 expressed a desire to help the President. I also would
3507 hasten to add that the Attorney General's response was the
3508 way to help the President was to be entirely candid and
3509 forthcoming and to avoid anything that might be
3510 characterizable as a concealment.

3511 Q Now, at that point, having met him and talked to
3512 him and having both jointly had reservations and concerns by
3513 what he said, and knowing that you were going to be seeing
3514 Shultz the next morning and that he would have notes to
3515 verify his position, did you and the Attorney General
3516 discuss the need to see McFarlane again at a later time?

3517 A We may have discussed that, but I don't recall
3518 it having been discussed.

3519 Q Did you discuss what other means or methods that
3520 you could employ besides seeing the notes that Shultz had to
3521 try to determine independently the truth or falsity of what
3522 McFarlane had said?

3523 A Well, aside from our intent to examine all the
3524 documents that pertained to the Iranian Initiative, which we

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 145

3525 just didn't have any idea what that might yield, as well as
3526 our intent to that evening, if at all possible, review the
3527 materials that had been collected by a certain intelligence
3528 agency, I can't identify any other specific things we may
3529 have discussed regarding that.

3530 We did not then know that it was Charles Hill,
3531 that there was a second person. I don't think we realized
3532 that Charles Hill had a role in this, and could add
3533 additional personal testimony. corroborating the Secretary
3534 of State's version of the event. That was--I think that came
3535 as news to us.

3536 Q By the time you'd finished speaking to McFarlane
3537 at 5:45, according to your chronology, by the time you'd
3538 finished then, the MSC had already been informed that they
3539 were to have the documents on the Iranian Initiative
3540 available to be reviewed the next morning?

3541 A That's my understanding.

3542 Q And was it your understanding that they would
3543 have all documents at the MSC relating to the Iranian
3544 Initiative available, as opposed to just Oliver North's
3545 documents?

3546 A It is my understanding that they were to have
3547 all MSC documents that relate to the Iranian Initiative in
3548 any way available for review.

3549 Q Had anybody informed you that the place where

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 146

3550 those documents would be reviewed would be Oliver North's
3551 office?

3552 . A I don't recall having had any information to
3553 that effect. I certainly received information to that
3554 effect at lunch the next day.

3555 . Q Without getting too far ahead of myself there,
3556 did that surprise you, that that would be the office where
3557 those documents would be located?

3558 . A Not necessarily, no. In fact, I guess a matter
3559 of this kind, of the compartmentalization, which is
3560 certainly a word that everybody involved with it uses
3561 frequently to describe it, and the sensitivity and secret
3562 initiative nature of it, I guess I'm not that surprised that
3563 the documents would be housed in a--in the office or in the
3564 safe, something like that, in a very secure position in a
3565 single location by the person who was largely implementing
3566 the policy.

3567 . Q Did you--after--either before or after you met
3568 with McFarlane on Friday, Mr. Cooper, did you discuss with
3569 the Attorney General or any of the other members of the
3570 investigation team the possibility that perhaps the CIA, in
3571 general, and Mr. Casey in specific, might have known about
3572 all of this before January '86?

3573 . A I don't think so. At that point--certainly we
3574 realized that there would be some people over there who at

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 147

3575 least knew whether or not they received a telephone call
3576 from North saying, "Can you advise us of an air carrier we
3577 can use," so yes, we knew that that element of all this
3578 involved the CIA and we were going to--

3579 Q Talk to them.

3580 A --talk to them, yes. And for that reason,
3581 Stanley Sporkin was on our list, but, you know, it was my
3582 impression that Mr. Casay was--my impression with respect to
3583 Mr. Casay was the same as my impression with respect to Mr.
3584 Poindexter, that he didn't have personal knowledge of any
3585 pre-January events, particularly the November one in which
3586 his agency was alleged to have had some small role. He was
3587 out of the country, it was my understanding, during the
3588 relevant period of time, the November 25th period of time,
3589 thereabouts.

3590 Q Well, with regard to Mr. Poindexter, like you
3591 say, you reached the--you had the same feeling--

3592 A Yes.

3593 Q --and yet, with regard to Mr. Poindexter's
3594 office, you wanted to go over and review all their documents
3595 in that area.

3596 A Right.

3597 Q How about a similar type review of CIA documents
3598 relating to the use of that airline that did the
3599 transportation, those kinds of documents? Was there any

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 148

3600 request made as part of the investigation that the CIA
3601 should have ready to be reviewed at its offices all of those
3602 documents?

3603 . A Yes. There was no formal request, but I was in
3604 touch with Dave Doherty and his deputy, Mr. Jameson, and we
3605 discussed certain documents that they had and they had
3606 identified in this and the fact that they fully understood
3607 we'd like to take a look at them, and I--

3608 . Q Did they make them available?

3609 . A Well, in the end, yes, but not immediately,
3610 although I have to say they were entirely cooperative and
3611 forthcoming in sharing with us information as they developed
3612 it.

3613 . Q As of Friday evening, before you turn to
3614 Saturday's events, as of Friday evening, did you have any
3615 reason to think or suspect, for that matter, that there had
3616 been a finding submitted to the President by the CIA prior
3617 to January of 1986 relating to the Hawk shipment?

3618 . A In what period, time frame are you referencing?

3619 . Q Friday evening, after you've met with McFarlane,
3620 prior to Saturday's events, okay--

3621 . A Yes.

3622 . Q --at that point, having spoken with CIA officials
3623 for the last day or two intermittently, having spoken with
3624 NSC staff officials, did you have any knowledge that there

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 149

3625 had been a finding submitted to the President by the CIA for
3626 signing prior to January 1986--

3627 . A No.

3628 . Q --relating to the Hawk shipment.

3629 . A No. I think by that time, I had learned that
3630 there was a finding dated January 6th or 7th or thereabouts
3631 that was virtually identical to the January 17th finding,
3632 but I did not know of the finding, I do not think, that you,
3633 I suspect, are referencing, a document which the CIA
3634 referred to as a mini-finding when I visited them on
3635 Saturday evening.

3636 . Q Did they show you that?

3637 . A Yes. Now, it's possible that I--that in my
3638 conversations with them, that I had learned of it prior
3639 to--or in that time frame, but I don't think I did.

3640 . Q Okay.

3641 . Did Director Casey mention to General Meese, as
3642 far as you know, when they spoke on Saturday evening, about
3643 that finding that was submitted for signing?

3644 . A No, I don't know if that was a subject matter of
3645 their conversation.

3646 . Q Now, on Saturday, you testified at length about
3647 the events that morning, the meeting with Shultz, the
3648 luncheon that followed later on at midday, with regard to
3649 uncovering of the diversion memorandum, was it the Attorney

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 150

3650 General's reaction upon learning that to now suspect anyone
3651 else besides North as to their conduct?
3652 . Can you recall?
3653 . A To suspect North, anyone other than North?
3654 . Q To suspect anyone in addition to North with
3655 regard to that diversion memo?
3656 . Mr. BOLTON: You mean as the author of it?
3657 . MR. LEON: As to not only the author, but as to--
3658 THE WITNESS: Knowledge of--
3659 . MR. LEON: Knowledge of its contents.
3660 . THE WITNESS: I do not recall any particular
3661 discussion on that as to who he might or might not suspect.
3662 I think the potential was left to my mind; I suspect it did
3663 to his as well, it's just not clear how far this idea might
3664 have gone if any^{where} ~~one~~.
3665 . BY MR. LEON:
3666 . Q Was it the uncovering of that document that led
3667 to the--led the Attorney General to want to see McFarlane
3668 again on Monday morning?
3669 . A That's my understanding, yes.
3670 . Q And with regard to Poindexter, of course, he
3671 hadn't been seen at that point, but you intended to see him
3672 anyway.
3673 . A Exactly.
3674 . Q Right. And you don't know today--you're not

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 151

3675 certain whether he was seen, Poindexter was seen before the
3676 President or after the President.

3677 . A I don't know the answer to that.
3678 . Q The chronology indicates afterwards.
3679 . A Right.
3680 . Q You're not certain.
3681 . ~~A~~ When you learned about the diversion memo, was
3682 there discussion about the possibility that there might be a
3683 finding somewhere that accompanied that?

3684 . A That accompanied the diversion?
3685 . Q Uh-huh.
3686 . A No.
3687 . Q In other words, upon seeing it, did you consider
3688 the possibility that it was--reflected something that
3689 actually had happened and that a finding had been put
3690 together to support CIA involvement in accomplishing it?

3691 . A No.
3692 . [Telephone call.]
3693 . MR. LEON: I think we should go off the record.
3694 . [Discussion off the record.]

UNCLASSIFIED

NAME: HIR174002

PAGE 152

3695 RPTS DOTSON

3696 DCMN GLASSNA

3697 [2:15 p.m.]

3698

3699 BY MR. LEON:

3700 Q Let's go back on. Before we broke for the phone
3701 call, Mr. Cooper, my question was words to the following
3702 effect: Upon learning about the diversion memorandum, did
3703 you consider the possibility and discuss the possibility
3704 with the members of your team that it might reflect
3705 something that actually happened and that as a consequence
3706 there might be a finding that was prepared to legally
3707 support the actions that were described?

3708 A We did discuss certainly the proposition that the
3709 contra diversion that is proposed in the memo might actually
3710 have, subsequent to the memo, eventuated. That was
3711 obviously our concern. The memo does not say it was
3712 something that was done. It says it was in the nature of a
3713 proposition, a proposal. But we didn't discuss the
3714 possibility that a finding might exist to somehow support
3715 that activity. That didn't occur to me at any point prior
3716 to the question.

3717 Q Of course, if the CIA had acted in order to
3718 accomplish that proposed diversion, there would have been
3719 need for a finding, wouldn't there, to a cover-up?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 153

3720 ... A If one assumes--I am not at all sure. If one
3721 assumes that that was part and parcel of the operation that
3722 was authorized under the existing funding, then, no,
3723 additional funding wouldn't be necessary. But it also
3724 assumes that that is something that on the--that diversion of
3725 moneys generated to the contras would be U.S. funds, I
3726 guess, and if they were U.S. funds, then a finding could
3727 support the legality of it. Neither of those propositions,
3728 though, do I have a judgment on.

3729 . Q Did you and the Attorney General inform Mr.
3730 Reynolds and Richardson at that luncheon what George Shultz
3731 had told you earlier that morning?

3732 . A Mr. Leon, I am sorry, because, to tell you the
3733 truth, I was contemplating my last answer when I said I
3734 don't have a judgment on those things. I actually do have a
3735 judgment with respect to the question whether these are U.S.
3736 funds. I won't say I have a final concluded judgment on
3737 that, but I have some inclinations on the study and
3738 research.

3739 . Q Do you want to share it for the record?

3740 . A Only if you ask me. I am happy to do that. But I
3741 just did not want to leave anything that might in any way be
3742 inaccurate on the record.

3743 . With respect to whether a finding, assuming those
3744 were U.S. moneys, if we assume that for the moment, whether

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 154

3745 a finding would have supported the legality of the activity,
3746 that is something I don't have a judgment on.

3747 Q I think the next question I had was whether or not
3748 you and the Attorney General briefed Mr. Reynolds and
3749 Richardson at the luncheon about what Secretary Shultz had
3750 told you earlier that morning.

3751 A Yes.

3752 Q You did?

3753 A I am sure that we had some discussion along those
3754 lines, yes. I have a general recollection of that. I don't
3755 have a specific one.

3756 Q Did either you or the Attorney General ask
3757 Secretary Shultz if he had informed the President about the
3758 information McFarlane had told him about the Hawk shipment
3759 back in November, 1985?

3760 A No.

3761 Q No, you didn't ask him?

3762 A I don't recall us having asked him that.

3763 Q Did either Reynolds or Richardson ask you at lunch
3764 whether or not Secretary Shultz had informed the President
3765 of what McFarlane had told him about the Hawk shipment?

3766 A I don't recall whether they did or not.

3767 Q Was there any reason why he wasn't asked that
3768 question?

3769 A Asked what question?

UNCLASSIFIED

NAME: HIR174002

PAGE 155

UNCLASSIFIED

3770 . Q Whether or not he, Secretary Shultz, had informed
3771 the President of what McFarlane had told him about the Hawk
3772 shipment.

3773 . A No. First the question is premised on the notion
3774 that we didn't ask the question, and we may well have asked
3775 it, but I don't remember. But I frankly doubt we asked the
3776 question. Mr. Shultz made clear to us during his
3777 description of that episode that it was his impression he
3778 was being informed and advised of the event that was in the
3779 offing but not consulted for approval of that event.

3780 . So he further indicated that essentially he went on
3781 about his business after he had reiterated McFarlane was--his
3782 strong objections to the whole concept, and he went about
3783 his business of "summitry", whatever he was doing.

3784 . In the next few days, when he noticed that no
3785 hostages were released amongst great hoopla and fanfare, he
3786 figured it simply had not been pursued. So all of that
3787 suggests to me that we didn't ask the question, because the
3788 answer was implicit in what he did tell us.

3789 . Q Upon learning from Secretary Shultz at that
3790 interview that he, Secretary Shultz, was not in favor of the
3791 shipment and didn't care for the idea--

3792 . A He didn't learn it there for the first time. That
3793 was something the Attorney General knew of his own
3794 independent knowledge. He was present during the meeting

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 156

3795 With the President, and so Secretary Shultz's opposition to
3796 it was not a matter on which there was any doubt.
3797 Q Was he asked at the interview why he hadn't
3798 expressed his concern and displeasure immediately or shortly
3799 thereafter?

3800 A To whom?

3801 Q To either the President or members of the Cabinet.

3802 A About what?

3803 Q About the Hawk shipment.

3804 A No. I don't think that question was asked. But,
3805 again--

3806 Q Do you think that bothered the Attorney General?

3807 A What?

3808 Q The notion the Secretary of State would be against
3809 a matter of that great a sensitivity and yet wouldn't bring
3810 his attention--of being upset about it to the President
3811 immediately?

3812 A No, my understanding is that during that period of
3813 time when the proposal was being discussed and the President
3814 was in his decision making on the question, the Secretary
3815 made known his opposition to it and outlined his reasons for
3816 opposing it.

3817 Q I think we are miscommunicating.

3818 A Okay.

3819 Q Let me put into focus what I am trying to get at.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 157

3820 The Secretary of State is informed by the National Security
3821 Advisor to the President that a Hawk shipment is about to
3822 take place that he has knowledge of between Israel and Iran,
3823 correct?

3824 . A Right.

3825 . Q Okay. And according to the Secretary of State, he
3826 expressed his displeasure with that to McFarlane on the
3827 scene.

3828 . A Yes.

3829 . Q And at that time they were in, I don't know if it
3830 was Vienna or Geneva--

3831 . MR. BOYD: Geneva.

3832 . BY MR. LEON:

3833 . Q The President was with him, was he not?

3834 . A I suspect the President was there.

3835 . Q This was Shultz's first knowledge of this event
3836 according to Shultz; this is the first time he learned about
3837 this, when McFarlane told him.

3838 . A Yes.

3839 . Q And he was upset about it. So it would seem to me
3840 a logical question of George Shultz would be: 'Well, if
3841 you are so upset about it and you hadn't been consulted
3842 about it, why don't you just turn to the President of the
3843 United States at some point right there and say, you know,
3844 'What is going on? I don't care for this, and how come I

UNCLASSIFIED

NAME: HIR174002

PAGE 158

UNCLASSIFIED

3845 wasn't consulted'?' It just seems to me that is a logical
3846 kind of thing to confront the Secretary of State on if he is
3847 upset about being cut out of a decision-making process and
3848 doesn't care for the decision being made, then I think it is
3849 a logical question for the Attorney General to ask him.
3850 'How come you didn't express your concern about it to the
3851 President of the United States?' I don't know if that is a
3852 question.

3853 A It certainly enhances our understanding, because
3854 you are right, I did not understand your train of analysis
3855 earlier.

3856 Q So what I am asking is: In light of all that, did
3857 the Attorney General, when he met with Secretary Shultz that
3858 Saturday morning and Shultz brings up the fact that he is
3859 learning all this and is unhappy about it, did he say, 'Why
3860 didn't you voice your concern right on the spot and say
3861 something about it?'

3862 A I do not recall the Attorney General having asked
3863 that question, no. He did not confront the Secretary of
3864 State with that probability.

3865 Q Now, knowing he did not do that, Mr. Cooper, did
3866 he, the Attorney General, share with you his evaluation of
3867 the Secretary of State's failure to do that?

3868 A No.

3869 Q He did not. Okay. When you were with the Attorney

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 159

3870 General at the luncheon, the diversion memo came up, and
3871 then afterwards in the car going back, on both occasions you
3872 have testified he expressed his concern about them, he was
3873 very concerned about them.

3874 . And I think you have testified it was a joint
3875 concern, it was something that was politically significant,
3876 as well as legally significant. Is that fair?

3877 . A Could you repeat that? I apologize.

3878 . Q I am trying to summarize a little bit before I get
3879 to my question and put it in context. I think what you have
3880 testified to is that the Attorney General, both at the
3881 luncheon and in the car afterwards when you were with him,
3882 expressed his concern about this diversion memorandum and
3883 that, as I understood your testimony, he was concerned not
3884 only because of its political sensitivity but because of its
3885 potential legal sensitivity there might have been
3886 illegalities involved. Is that right?

3887 . A That potentiality, yes, was a concern, but I was
3888 not at that point acutely sensitive to the legalities
3889 involved. I just had this vague--I recognized that
3890 additional legal questions would undoubtedly be raised by
3891 this, but I did not have an acute sensitivity to the depth
3892 or seriousness of them.

3893 . Q But there is no question in your mind the Attorney
3894 General saw the grave potential political significance to

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 160

3895 | this and to its being leaked to the public.

3896 | A I know I did, and I had every appreciation of the
3897 | Attorney General, in all likelihood, much more acutely than
3898 | me. I recognize that facet of this.

3899 | Q That being the case, was there any discussion with
3900 | you and the other members of the team at that point about
3901 | the possibility of going to the President right then on the
3902 | spot?

3903 | A No.

3904 | Q It wasn't even considered?

3905 | A It wasn't considered by me, and I can recall no
3906 | discussion that I participated in with anybody else. If it
3907 | went through anyone else's mind, I don't recall it having
3908 | been expressed.

3909 | Q Has the Attorney General at any time shared with
3910 | you the reason why he chose not to go to the President about
3911 | it until Monday?

3912 | A No. But I have never, I have never entertained any
3913 | idea about that, so I have never asked him. To me, it's
3914 | been self evident why he didn't do that.

3915 | Q Why is that?

3916 | A Because the memo that we discovered was not
3917 | something we could conclude, simply based upon the memo,
3918 | reflects facts that actually took place. And it wasn't
3919 | until North was examined on that fact that we could

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 161

3920 | conclude, or we discovered additional documents establishing
3921 | this took place, that we could conclude that it did and,
3922 | therefore, share that fact with the President.

3923 | But obviously at such time as we did conclude in
3924 | our own minds that this represents a fact, not a speculation
3925 | or a proposal that never got implemented, he did share it
3926 | with the President straight away.

3927 | Q So the judgment was basically get more information
3928 | and assess the information before going to the President
3929 | with it.

3930 | A Yes. You don't bring to the President things that,
3931 | you know, anything lightly.

3932 | Q I want to make that point for the record because
3933 | there ^{are} a lot of people that don't understand why decisions
3934 | like that are made, and I think it is important people see
3935 | that you have to do certain things before you elevate an
3936 | issue to the level of the President, and you just don't go
3937 | to the President. I just want to make sure the record
3938 | reflects there was some thought given to that process.

3939 | A Well, I can't say that thought was given to the
3940 | proposition we go to the President before we established
3941 | confidence in the accuracy of the existence of the fact. I
3942 | don't think anyone even remotely considered that we would
3943 | just go to the President and--no more than we did then. I
3944 | know it didn't occur to me.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 162

3945 -- What would the President have done? He would have
3946 said, "Well, go see if this is true." We would have said,
3947 "That is exactly what we plan to do."
3948 . Q I just want to make sure it is clear.
3949 . A It is in my mind.
3950 . Q You might be asked about that, and I think that is
3951 a question you should give some thought to.
3952 . Did the Attorney General tell you that any request
3953 had been made by Thompson or North for a 48-hour period to
3954 get their files ready before being reviewed by Reynolds and
3955 Richardson?
3956 . A No.
3957 . Q That a request had been made for additional time to
3958 get their files in order before having them reviewed?
3959 . A I don't recall that, no. Are you saying that
3960 Colonel North made a request upon the Attorney General for
3961 time to gather files or something?
3962 . Q What I am trying to determine is whether you have
3963 any knowledge of a request being made, either by Colonel
3964 North or by Colonel North through Mr. Thompson, for a
3965 minimum of a 48-hour period to get together the files on the
3966 Iran Initiative before they would be reviewed.
3967 . A I can recall no such request having been made.
3968 . Q The Attorney General obviously met with Mr. Casey
3969 alone--that is your understanding, isn't it?--on Saturday

UNCLASSIFIED

NAME: HIR174002

PAGE 163

UNCLASSIFIED

3970 evening?

3971 . A Yes.

3972 . Q It was at some point the next day he recounted to

3973 you what had happened, is that right?

3974 . A No, I cannot say that with confidence.

3975 . Q Well, sometime thereafter.

3976 . A It was definitely sometime thereafter.

3977 . Q Would you say it was before he went to the

3978 President on Monday morning, the Attorney General?

3979 . A I doubt it.

3980 . Q So it--would you say it was before the press

3981 conference?

3982 . A You know--

3983 . Q I don't know if the chronology--

3984 . A Well, the chronology might help, surprisingly

3985 enough, because I do not recall having a conversation with

3986 the AG about his discussions with Casey and the so-called

3987 Furmark matter prior to the time that we discussed this with

3988 North. I do not recall that as having happened, and I think

3989 I would recall it if it happened in that time sequence.

3990 . And I know it didn't happen Monday morning because

3991 I was over at--at least I feel pretty confident it wasn't

3992 Monday morning, because there wasn't much opportunity for it

3993 to happen. I was with Abe Sofaer and Charles Hill at the

3994 opening of business.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 164

3995 . Q Did the AG ask North on Sunday about the Furmark
3996 incident?

3997 . A I do not recall him having mentioned Furmark at
3998 all.

3999 . Q But he had talked to Casey about it the night
4000 before?

4001 . A That is what I understand, yes.

4002 . Q Do you know whether or not the Attorney General and
4003 Casey, Mr. Casey, discussed the diversion memo that
4004 Saturday?

4005 . A It is my understanding they did not.

4006 . Q That the Attorney General refrained from doing so
4007 for the purposes of the investigation, so to speak?

4008 . A He refrained from doing so for, as I understand it,
4009 yes, for the purposes of the investigation.

4010 . Q After meeting with North on late Sunday and prior
4011 to meeting with the President the next morning at 11:00
4012 o'clock, I believe it was, you have testified that the
4013 Attorney General asked McFarlane about the diversion memo,
4014 is that right?

4015 . A Yes. That is my understanding. I wasn't present
4016 at the meeting.

4017 . Q If your chronology is accurate, if it is accurate,
4018 it would appear that after meeting with Mr. McFarlane, the
4019 next person the Attorney General met with was the President

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 165

4020 himself and Donald Regan, if your chronology is correct.

4021 . A Yes, that is right.

4022 . Q Now, if that is true, do you know if there is any

4023 reason why the Attorney General didn't first meet with

4024 Poindexter to confront him about the diversion memo before

4025 going to the President and Donald Regan to tell them about

4026 the diversion memo?

4027 . A I don't know, but, you know, he may well have been

4028 governed by matters that he could not control. You just

4029 don't pop in on the President any time you want to. That

4030 may well have governed when he met with the President, and

4031 that may have governed all other scheduling.

4032 . Q But surely, Mr. Cooper, if he wanted to see Mr.

4033 Poindexter earlier on Monday he could have, or for that

4034 matter Sunday night. The Attorney General could have called

4035 Mr. Poindexter up and said, 'I want to see you right

4036 away.'

4037 . A I am sure he could have gotten a hold of

4038 Poindexter.

4039 . Q And Donald Regan, for that matter, if he wanted to.

4040 . A Right.

4041 . Q And the Vice-President perhaps.

4042 . A I am less confident of that.

4043 . Q He spoke with McFarlane alone, is that right?

4044 . A Yes. At least I know I wasn't there, and it is my

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 166

4045 understanding nobody else was.

4046 Q Do you know where it took place, that meeting?

4047 A In the Attorney General's office.

4048 Q You don't know if anyone else was present?

4049 A It is my understanding nobody else was present.

4050 Q Do you know why he chose to meet with him alone

4051 having already met with him once before when you were

4052 present?

4053 A I do not. I do not know ^{why} he chose to meet with him

4054 alone. He couldn't meet with him with me, because I was not

4055 there, to the extent he wanted me to be a part of that

4056 meeting, and I just don't know the state of his mind on

4057 that.

4058 Q Were you available?

4059 A No, I was not. I was doing something that we

4060 considered equally important.

4061 Q You were at the State Department?

4062 A Yes.

4063 Q Do you know if Mr. Reynolds or Mr. Richardson was

4064 available?

4065 A I don't have any idea. However, neither of them

4066 had met with Mr. McFarlane on the previous occasion.

4067 Q You testified that the AG spoke with Secretary

4068 Weinberger at some point and that the Secretary informed the

4069 Attorney General that he had no specific knowledge of the

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 167

4070 Hawk shipment. Is that correct?

4071 . A I don't recall having testified to that effect.

4072 . Q Maybe my notes are incorrect. Why don't you tell

4073 us what the Attorney General told you Secretary Weinberger

4074 told him.

4075 . A I don't recall the Attorney General having told me

4076 about the contents of his conversation with Weinberger. He

4077 did not affix on Weinberger as someone who would really be a

4078 particularly useful fact witness for this November or the

4079 pre-January stuff. He did call Weinberger. My

4080 understanding is that either Weinberger or Weinberger's wife

4081 was sick, and he just didn't linger in his conversation with

4082 him.

4083 . But I don't know what it is they covered. I think

4084 he came, he concluded that Weinberger just really didn't

4085 have much to add that was beyond that which we already had

4086 discerned.

4087 . Q Do you know if he asked Weinberger about the

4088 diversion memo?

4089 . A I don't know. I don't know whether he did or not.

4090 . Q Now Mr. McFarlane, as I recall your testimony, told

4091 the Attorney General that he was aware of the diversion.

4092 . A That was my understanding.

4093 . Q Colonel North told him--

4094 . [Recess.]

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 168

4095 MR. LEON: I guess we can go back on the record.
4096 Can you read back the last question.
4097 [The reporter read back the pending question.]
4098 BY MR. LEON:
4099 Q Just recapping, Mr. Cooper, your testimony at one
4100 point, as a preface here, is the Attorney General informed
4101 you that Mr. McFarlane informed him that he, McFarlane, was
4102 aware of the diversion, is that correct?
4103 A Yes.
4104 Q And that it was Mr. North who told McFarlane about
4105 the diversion, is that right?
4106 A That is my understanding.
4107 Q Did the Attorney General inform you as to whether
4108 or not he asked McFarlane whether McFarlane told the
4109 President about it?
4110 A I don't recall. I just don't recall. I know that
4111 was uppermost in the Attorney General's mind at the moment,
4112 so it is entirely possible that he did. I am equally
4113 confident if he did, he told me that McFarlane had not told
4114 the President, but I just don't recall that element of the
4115 conversation.
4116 Q Let's compare it to the conversation with Colonel
4117 North the afternoon before that you were present at. Okay?
4118 During that conversation Sunday afternoon, Colonel North
4119 acknowledged that the diversion memorandum was his

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 169

4120 authorship, did he not?

4121 . A He did.

4122 . Q And that he had submitted it to Admiral Poindexter,

4123 is that correct?

4124 . A It is.

4125 . Q Did he inform you that he had told McFarlane about

4126 it?

4127 . A No.

4128 . Q Did he inform you as to whether he had told anyone

4129 else about it?

4130 . A No. Actually, he did say he thought McFarlane knew

4131 about it and Poindexter, and he knew about it, but those

4132 were the only three people he thought knew about it.

4133 . Q Of course, you subsequently learned, did you not,

4134 from Mr. Green that General Secord knew about it?

4135 . A Oh, no, I learned from North that Secord knew about

4136 it.

4137 . Q And that Hakim knew about it?

4138 . A I learned that from Green.

4139 . Q That was a few days later?

4140 . A Monday, I guess.

4141 . Q There was a possibility Mr. Calero knew about it.

4142 . [Recess.]

4143 . [The pending question was read by the reporter.]

4144 . THE WITNESS: Yes. Certainly North's statements to

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 170

4145 us suggested he knew about it. He was alleged to be the
4146 recipient of large sums of money.

4147 . BY MR. LEON:

4148 . Q Comparing the Attorney General's meeting with
4149 McFarlane, to the extent you know about it, and the meeting
4150 with North the afternoon before which you were present for,
4151 upon acknowledging that he was the author of the diversion
4152 memo, acknowledging that he had sent it to Poindexter, what
4153 was the Attorney General's reaction to learning that?

4154 . A No particular reaction. He just continued with the
4155 interview. I mean, he did not--

4156 . Q He didn't get upset?

4157 . A No, he didn't.

4158 . Q Did he voice any concern to Colonel North about the
4159 political explosiveness of a scheme of that nature?

4160 . A No.

4161 . Q Did he ask them in any kind of stunned form, "How
4162 could you have engaged in something that could be so
4163 potentially dangerous to the contra program or to the
4164 President?"

4165 . A I don't recall him having reacted in the way you
4166 described, no.

4167 . Q Now about with McFarlane, to the extent he has
4168 recounted to you how that meeting went, did he give you any
4169 indication that he expressed to McFarlane any sense of

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 171

4170 incredulousness that McFarlane hadn't blown the whistle on
4171 it and informed the troops about it earlier?

4172 . A No. I don't recall him describing any such
4173 exchange.

4174 . Q I hope you understand why I ask those questions,
4175 because it seems that this is information that is so risk-
4176 fraught to the President and to the contra program by its
4177 very nature that to have engaged in it, North and
4178 Poindexter--for McFarlane to have known about it was to have
4179 created the existence of a risk that could be very damaging
4180 to the administration and to the contra program which was so
4181 important to the President.

4182 . A I think those are accurate points, but the Attorney
4183 General did not, in my presence anyway, confront Mr. North
4184 with these obvious realities or ^{bring} ~~upset~~ him in any manner.

4185 . Q Did he share those insights with you and the
4186 members of the team?

4187 . A I am sure we discussed the implications, the
4188 potential implications for this, yes. We were fully aware
4189 and cognizant that this was a major news item, let's say,
4190 and that it was going to be extraordinarily controversial
4191 and said in train precisely what it has said in train.

4192 . Q Let me put it in context so you can think about it.
4193 I think you told us a little while ago the Attorney General
4194 got visibly upset when he learned that Deputy Burns hadn't

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 172

4195 Made arrangements to seal off the office or, under his
4196 demand, that the office of North be sealed off. Do you
4197 recall that?

4198 . A Yes. But visibly upset is--

4199 . Q How would you put it?

4200 . A A flash of irritation. A flash of irritation.

4201 . Q But he was upset, is that correct?

4202 . A I think that is a fair description, though it did
4203 not involve the Attorney General criticizing or dressing
4204 down Mr. Burns or anything of that nature. It involved a
4205 visible flash of irritation and reiteration, a stern
4206 reiteration, that he had requested that he make that
4207 directive earlier. At least that's the best of my
4208 recollection of that little episode.

4209 . The Attorney General is not an excitable man. He
4210 is a calm man.

4211 . Q That is good to know. Was he at least as irritated
4212 or more irritated about what he perceived to be the level of
4213 the President's news conference on the 19th?

4214 . A I think he was irritated in the sense of being very
4215 disappointed about it and feeling depressed about it for the
4216 President's sake..

4217 . Q In light of those two instances of examples
4218 proximate to the time of meeting North on Sunday, of his
4219 being able to get irritated or upset, how can you account

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 173

4220 for not getting upset with North that he would do something
4221 as ^{have-}~~hair~~-brained as that?

4222 . A I don't understand why you are so insistent he be
4223 upset.

4224 . Q I am not insistent.

4225 . A The fact is he asked, he was conducting a very
4226 business-like interview and--

4227 . Q I want to get a flavor for it.

4228 . A The Attorney General did not react in the way that
4229 you described. He maintained a calm demeanor throughout the
4230 interview, which is, with rare exceptions, the only demeanor
4231 with which I am acquainted.

4232 . MR. BOYD: Off the record.

4233 . [Discussion off the record.]

UNCLASSIFIED

NAME: HIR174002

PAGE 174

UNCLASSIFIED

4234 RPTS DOTSON

4235 DCMN QUINTERO

4236 BY MR. LEON:

4237 Q I am just trying to get some assessment of the
4238 nature of the quality of the Attorney General's reaction to
4239 learning about having confirmed that his present actions,
4240 which I think is safe to characterize, in my own
4241 characterization, as being explosive politically, and
4242 extremely damaging to, not only the President and his
4243 Administration, but the contra program, which is so dear,
4244 obviously, to the Administration; I just want to get some
4245 sense of how one of the President's very closest advisers
4246 reacted to learning about something that was this risk-
4247 fraught, that was just done at the self-initiative of an MSC
4248 staffer?

4249 A All I can say is every act that the Attorney General
4250 took was consistent, fully consistent with complete
4251 appreciation and acute sensitivity to the potentials that
4252 you describe, that he did not react in a way similar to
4253 that, from a way which you described, and North acknowledged
4254 the contra diversion events, he maintained a calm demeanor,
4255 as did all of us. We did not get excited and start jumping
4256 around.

4257 BY MR. LEON: I am not suggesting you jumped around
4258 the room. Of course, we don't know, because no one was

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 175

4259 there to witness what his conversation was like with Mr.

4260 McFarlane Monday morning.

4261 . A Right.

4262 . Q So we can't account for whether or not he was more
4263 demonstrative than his being upset with Mr. McFarlane?

4264 . A We cannot. We will have to ^{rely}~~rely~~ upon his memory.

4265 . Q Absolutely. As well we should.

4266 Did the Attorney General report to you the President's
4267 reaction, besides just that he was shocked to learn about
4268 the diversion memo, and the fact that it was known by his
4269 National Security Advisers as well as his former National
4270 Security Adviser? Was shock all he described it as?

4271 . A He really didn't go into a description of the
4272 demeanor of the participants of the meeting. I don't think
4273 he felt obligated to provide me with a lengthy account of
4274 the flavor of the meeting, which I certainly would be
4275 interested in those things.

4276 But he just indicated that ^{the}~~the~~ President didn't know and
4277 the President reacted--

4278 . Q Was the President upset, from what you understand?

4279 . A I am not saying that he wasn't. Because I don't
4280 know.

4281 . Q From the account you heard?

4282 . A Well, the account I ^{heard}~~heard~~ is not one that included
4283 descriptions of whether the President was upset or whether

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 176

4284 he was--that I can recall. Just that he was taken by
4285 surprise, and that he had not--and this was complete news to
4286 him, as it was to Mr. Regan.

4287 . Q Let me put it to you in another way. Did the
4288 Attorney General give you any indication the President's
4289 reaction was one of indignation that his subordinates would
4290 unilaterally act in such a way as to put him at risk, and
4291 his Administration at risk, in the political sense, not to
4292 mention the contra program at risk?

4293 . A I do not recall the Attorney General characterizing
4294 the President's reaction in any way, and particularly not in
4295 that way.

4296 . Q How about Donald Regan, did you get insight what
4297 Donald Regan's reaction might have been along those lines?

4298 . A No. I just don't recall the Attorney General
4299 describing or characterizing reactions in that way. I
4300 think, however, I can recall some reference to Regan's
4301 response, response being identical to the response that I
4302 recall the AG making.

4303 . Q Those words, that phrase he used?

4304 . A I have a vague reaction that that was also Regan's
4305 response precisely.

4306 . Q Did you get any sense--

4307 . A On these points, however, only the participants to
4308 the meeting can provide any authoritative insights.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 177

4309 . Q Absolutely.

4310 Did you get any sense that from talking to the AG about

4311 Donald Reagan's reaction that Regan felt particularly upset,

4312 by virtue of the fact that it was his responsibility as

4313 chief of staff to be aware of those kinds of things

4314 happening in the White House?

4315 . A No, I didn't get a sense on that point from the

4316 Attorney General, that I can recall.

4317 . Q Do you know why the Attorney General met with both

4318 President Reagan and Regan simultaneously, as opposed to

4319 meeting with Regan first to find out if he had learned about

4320 it from either McFarlane or Poindexter, before meeting with

4321 the President to report his findings?

4322 . A No, I don't know. I never have, to my recollection,

4323 discussed that question--

4324 . Q That was a decision he made ^{alone} ~~along~~?

4325 . A Who.

4326 . Q The Attorney General.

4327 . A I am not sure he made any particular decision as to

4328 whether he wanted to ^e ~~met~~ _A with Regan outside the President.

4329 I just don't recall anything along those lines. He may

4330 have, but it is not one that I think I participated in.

4331 . Q Did the Attorney General tell you Sunday evening

4332 that he would be meeting with McFarlane the next morning?

4333 . A I think I knew that, yes.

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 178

4334 . Q Did he tell you why he intended to see McFarlane
4335 before seeing the President?

4336 . A Well, I am quite confident that it was to question
4337 him regarding the contra diversion.

4338 . Q To find out if he knew about it?

4339 . A Yes.

4340 . Q And to find out who he had told about it?

4341 . A Yes.

4342 . Q And to corroborate North's statement that he told
4343 McFarlane?

4344 . A North had made that statement so, therefore,
4345 McFarlane was obviously among the two people that had to be
4346 questioned on that score.

4347 . Q Did the Attorney General tell you whether or not he
4348 had asked McFarlane why it was that McFarlane, on a Friday
4349 night, Friday afternoon, I should say, had not informed you
4350 and the Attorney General about the diversion there?

4351 . A Yes.

4352 . Q Did he ask McFarlane that?

4353 . A I don't know.

4354 . Q So he might have asked McFarlane that?

4355 . A It is entirely possible. I just don't recall having
4356 received any information from the Attorney General on that
4357 point.

4358 . Q Do you know if the Attorney General met with

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 179

4359 Poindexter alone, or was Thompson present?

4360 . A I think he met with Poindexter alone. I know he met

4361 with Poindexter, and I have no knowledge that he met with

4362 Thompson, either with Poindexter or by himself.

4363 . Q Did you speak with Paul Thompson at any point during

4364 the weekend of the 21st, that weekend?

4365 . A I do not think I did.

4366 . Q So between Friday, the 21st, and Monday, the 24th,

4367 after Friday, when would you have next spoken with Thompson,

4368 do you think?

4369 . A Well--

4370 . Q Let me take a look at your chronology. It might

4371 help us..

4372 . A I don't think you will find any references to

4373 Thompson in the chronology.

4374 . Q It doesn't look like you met with him on Monday.

4375 . A With whom?

4376 . Q Thompson.

4377 . A That I did?

4378 . Q It doesn't look like you did.

4379 . A I have no recollection that I did. And, in fact, my

4380 recollection is that I did not meet with Thompson on Monday.

4381 Is there information to suggest I met with Thompson

4382 Monday?

4383 . Q No. I am trying to determine whether or not

UNCLASSIFIED

NAME: HIR174002

PAGE 180

UNCLASSIFIED

4384 Commander Thompson informed you, or anybody informed you on
4385 his behalf, that on Saturday afternoon, after Brad Reynolds
4386 and Richardson had been with you that Monday, that Colonel
4387 North proceeded, with a bunch of documents under his hand,
4388 over to the White House Situation Room, Thompson walked with
4389 him back to the White House?

4390 . A This event, if it took place, is news to me as of
4391 3:09, June 23, 1987.

4392 . Q Yet you have talked to him on a number of occasions
4393 since then, have you not?

4394 . A On a number of occasions would tend, I think, to
4395 suggest an exaggerated view of it. I have talked to him
4396 several times.

4397 It would be hard for me to pinpoint the next time I talked
4398 to him after the weekend review, although I think it was in
4399 a meeting with a group of people Wallison had gathered in
4400 his office to follow and keep up with this Iran matter in a
4401 coordinated fashion.

4402 . Q When would that have been approximately?

4403 . A It is hard for me to tell you, to tell you the
4404 truth. Probably within a week after the Tuesday of
4405 revelations, the Tuesday press conference, around a week
4406 after that.

4407 It may have been as much as two. In any event, I remember
4408 Paul, essentially, apologized to people in that room and

UNCLASSIFIED

NAME: HIR174002

PAGE 181

UNCLASSIFIED

4409 | assuring the people in that room that he had been,
4410 | essentially, not brought into the intrigue, so to speak, of
4411 | the North-Poindexter matter, and it was a--
4412 | . Q Poindexter, on Friday afternoon, knew you were going
4413 | to be reviewing documents that weekend; did he not?
4414 | . A That is my understanding.
4415 | . Q Thompson certainly did; did he not?
4416 | . A That is also my understanding.
4417 | . Q Did either one of them indicate to you that there
4418 | was a PROF system on which there were PROF note
4419 | communications during relevant time periods between North,
4420 | Poindexter and North, and McFarlane?
4421 | . A No. Because I don't think--I am sure I didn't talk
4422 | to Poindexter on Saturday or Friday, and I do not recall
4423 | having talked to Paul Thompson, though that isn't
4424 | impossible.
4425 | But I didn't--you know, since that time I have been made
4426 | aware in the newspapers, they have this very sophisticated,
4427 | apparently, computer system that keeps everything in place.
4428 | . Q It wasn't until yesterday, as I recall your
4429 | testimony, that you had ever seen what a PROF message looked
4430 | like.
4431 | . A That is accurate.
4432 | . Q That is one of the exhibits we showed you
4433 | yesterday?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 182

4434 A Yes. I do not recall ever having seen a document
4435 like that before.

4436 What does "PROF" mean, by the way?

4437 Q It is a term used to describe a computer system. It
4438 is an acronym, and I can't tell you what the individual
4439 letters mean, but it is an internal computer message system
4440 at the White House.

4441 Why I bring that up is because you were not aware then, I
4442 assume, that there were PROF messages on Monday, the 24th,
4443 between North and Poindexter, indicating their intentions to
4444 resign from the NSC?

4445 A No, I certainly was not.

4446 Q Simply, you would not have been aware then that
4447 discussions were underway as early as Monday, the 21st,
4448 between North and Poindexter, about North's being reassigned
4449 to the Military War College by the Commandant of the Marine
4450 Corps.

4451 A I never heard of that either.

4452 Q On Tuesday morning, the 25th, you went over to the
4453 White House, according to testimony, your chronology, to
4454 assist in preparation of the President's statement. Is that
4455 right?

4456 A That is correct.

4457 Q And before doing that you met earlier in the morning
4458 with the Attorney General, himself; didn't you?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 183

4459 . A Very briefly, yes.

4460 . Q Now, at that meeting, did the Attorney General

4461 indicate to you whether or not a decision had been made at

4462 that point as to whether or not John Poindexter would be

4463 resigning?

4464 . A That morning?

4465 . Q Yes?

4466 . A Yes.

4467 . Q Did he indicate to you that it was planned that

4468 Poindexter would be resigning?

4469 . A My recollection is that that was the course of

4470 events that was set ⁱⁿtrain.

4471 . Q With regard to Colonel North, was it your

4472 understanding that morning, Tuesday morning, he would be

4473 resigning or he would be fired?

4474 . A There was confusion about that all the way up until

4475 the time of the President's public statement.

4476 . Q That is something I want to see, if you can shed

4477 some light on.

4478 . A I will try, but I doubt it.

4479 . Q Let's start at the earliest point that day, the

4480 meeting with the Attorney General. Was it your impression

4481 from talking with the Attorney General, Tuesday morning, at

4482 7:00, something that it was the Attorney General's

4483 understanding that North would be fired or North would be

UNCLASSIFIED

NAME: HIR174002

PAGE 184

UNCLASSIFIED

4484 resigning?

4485 . A I don't recall specifically that there was
4486 conversation about that.

4487 . Q Do you know if he was advocating one of the two
4488 positions, or advising, I should say?

4489 . A This is vague--my recollection on this is not one I
4490 am confident on, I suggest to you. But it seems to me that
4491 the Attorney General supported resignation, permitting North
4492 to resign, as opposed to firing him, but I don't recall the
4493 specifics.

4494 . Q When you arrived at the scene at the White House to
4495 work on the President's statement, at that point, when the
4496 President's statement was being prepared, had a decision
4497 been made between firing North, or North resigning?

4498 . A I just don't recall, Mr. Leon, I just don't recall.
4499 I know that a decision--at a minimum, North resigning was
4500 contemplated. His no longer being at the MSC was fully
4501 contemplated.

4502 . Q When you met with Donald Regan and Peter Wallison
4503 that morning, according to your chronology, and Dennis
4504 Thomas, I believe it is, who worked for Donald Regan--did
4505 Donald Regan, on the occasion of that meeting, express a
4506 position as to whether North should be fired or whether
4507 North should be allowed to resign?

4508 . A Did Regan?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 185

4509 Q Donald Regan?

4510 A I just don't recall whether he did or not.

4511 Q How about Wallison?

4512 A I certainly don't recall Peter taking a position on

4513 that. To tell you the truth, I don't recall that having

4514 been a subject matter of conversation.

4515 Q Did the President's statement include when it, the

4516 statement to the fact North was fired?

4517 A I don't remember. It is a matter of public record.

4518 We can find out.

4519 Q It was either in that statement or it was in the

4520 Attorney General's meeting with the President at 11:30 that

4521 that came out. I can't off the top of my head tell you it

4522 was, but I think it was the President's

✓ 4523 A It seems to me it was, as well.

4524 Q Before the President made his statement at 9:30, it

4525 was reviewed by Buchanan, Speakes, yourself, Wallison. Do

4526 you remember any discussions back and forth during that

4527 meeting as to the political dimensions to the decision

4528 between firing North and allowing him to resign?

4529 A I do not.

4530 Q So you have no insight as to who made the decision

4531 and when it was made?

4532 A That is true. I am sure I have at least the insight

4533 that it was made sometime to Tuesday morning.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 186

4534 . Q It certainly was the President's decision in the
4535 final analysis, that is for sure.

4536 . A I don't think anybody overcame his will on the
4537 question, no.

4538 . Q But you don't have any recollection who was
4539 advocating--first of all, whether there was a dispute as to
4540 which position was being advised the President take, and
4541 what those positions were.

4542 . A I do not.

4543 . Q Now, the Tom Green notes--let me give you this
4544 Exhibit 34.

4545 According to your chronology, the meeting between
4546 yourself, Mr. Green, and Mr. Reynolds took place on the 24th
4547 from 2:00 to 3:45.

4548 . A 3:15.

4549 . Q 3:15? Did I misread it?

4550 . A That is my chronology statement.

4551 . Q That is what I want to go with. 3:15. I misread
4552 it. Sorry. So an hour and 15 minutes.

4553 You were there the whole time; is that right?

4554 . A Yes.

4555 . Q I believe it is your testimony, correct me if I am
4556 wrong, that Mr. Green did not definitely characterize
4557 himself as being there representing North and Second?

4558 . A Right.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 187

4559 In fact--my recollection is that he made clear that that
4560 was not the capacity in which he was meeting with us.
4561 Q Did he inform you that he had met with North before
4562 North met with the Attorney General and yourself Sunday
4563 afternoon?
4564 A Did he make clear?
4565 Q Yes.
4566 A It was obvious that he had. He knew what North had
4567 said to us.
4568 Q Before.
4569 A I am sorry.
4570 Q Not after.
4571 A I am sorry.
4572 Q Before.
4573 A Oh, before?
4574 No. No, that is not something I can recall him having
4575 made known to us, or me having formed an opinion on.
4576 Q Did he inform you that he had met with North Friday
4577 afternoon before Saturday morning's events and after North
4578 had been informed of the upcoming review of his files?
4579 A No. If I followed your question, and I apologize.
4580 Q Let me see if I can put it more simply. Mr. Green,
4581 according to North's calendar and other people's testimony,
4582 met with Oliver North on Friday evening, early Friday
4583 evening, the 21st. Did he inform you that he had met with

UNCLASSIFIED

NAME: HIR174002

PAGE 188

UNCLASSIFIED

4584 North.

4585 A He did not, to my recollection.

4586 Q That was at a point after North knew those documents
4587 were about to be reviewed and before they were reviewed?

4588 A It appears that he did know that, yes.

4589 Q And that he met with North again Sunday morning, he
4590 didn't tell you he had met with North Sunday morning?

4591 A That is correct.

4592 Q He obviously met with North after North met with you
4593 and the Attorney General, because he told you ^{as} much by
4594 telling you that North had informed him what he told the
4595 Attorney General?4596 A That is correct as well. And that is the only
4597 meeting that I had knowledge of, or can recall having been
4598 made aware of, only because it was obvious, as you point
4599 out.

4600 MR. LEON: Off the record.

4601 [Discussion off the record.]

4602 THE WITNESS: Now that we are back on the record,
4603 it is, now that we discuss it further and I focus on it
4604 again for the first time, perhaps, ever since the Green
4605 meeting, it does come to mind that Green professed a
4606 thorough under-going understanding of the Iran initiative
4607 and the contra diversion, borne of information received by
4608 him from North, Secord and Hakim.**UNCLASSIFIED**

UNCLASSIFIED

NAME: HIR174002

PAGE 189

4609 BY MR. LEON:

4610 Q Contemporaneous with the events?

4611 A No, no, that is not an assumption I came to--or we
4612 come to now. But in light of his statement, it could well,
4613 though that reality, if it is true, would bespeak a
4614 background by Green, which exceeded that which one could
4615 have obtained from Saturday night after North left our
4616 office till--excuse me, Sunday after North left the office
4617 until Monday when we met with Green. See my point?

4618 In other words, if the only amount of time that Green had
4619 been meeting with them was Sunday evening from the time
4620 North left our offices until Monday the next day, when he
4621 met with us, it would have been very hard for him to have
4622 developed the kind of background and full-breadth
4623 understanding of the fact, purpose, and what have you, as he
4624 professed to have in that period of time.

4625 So it did bespeak I guess, a participation in the
4626 discussions that would have predated Sunday evening or
4627 Monday morning.

4628 Q Here is what I am trying to clarify--

4629 A But he did not identify, to my recollection, any
4630 specific time when he sat down and he discussed this matter
4631 with the three of them even to--either collectively, or
4632 individually, to my recollection.

4633 Q What I am trying to get clear for the record here is

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 190

4634 the extent to which Mr. Green alerted you and Mr. Reynolds
4635 to his relationship with Colonel North, only as an attorney-
4636 client relationship, which is certainly important, but just
4637 a relationship in terms of prior knowledge of events,
4638 perhaps, outside the claim of privilege. I am trying to get
4639 that clear for the record.

4640 It sounds to me like he did not come there representing
4641 himself as North's attorney at the time; is that right?

4642 A That is correct.

4643 Q That he indicated only generally that he had any
4644 prior knowledge of North and North's involvement in this
4645 matter; is that fair?

4646 A No. He suggested that he had a thorough under-going
4647 understanding of the Iranian initiative, it as important for
4648 us to share in and the contra diversion.

4649 Q But the source of his knowledge, as I understand
4650 your testimony before, and I may have misunderstood it, it
4651 was Hakim and Secord rather than North?

4652 A Well, I am not sure that I did testify along those
4653 lines. If I did, I erred.

4654 I think it was by virtue of Hakim, Secord, and North. I
4655 think he, in fact, represented himself to be, entirely
4656 accurately, as far as I know, the only person who had the
4657 perspective of what he believed were the three people most
4658 knowledgeable about the whole implementation of the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 191

4659 initiative.

4660 . Q And did he indicate also that he had represented in
4661 the past, Secord and Makim?

4662 . A I think so, yes.

4663 . Q Did he indicate that he was representing either one
4664 of them in litigation?

4665 . A No. He was quite--my recollection is that he was not,
4666 he made known to us that he was not there as a lawyer
4667 representing any particular client, and, in fact, he was
4668 cagy about whether or not he was a lawyer, was the lawyer
4669 for any of these particular gentlemen at that time.

4670 . Q I think you testified he did most of the talking?

4671 . A Green?

4672 . Q Yes.

4673 . A No question about it.

4674 . Q Was there perhaps some question in your own mind as
4675 to what extent you could reveal any of this material you
4676 knew about which was highly classified and highly
4677 confidential?

4678 . A Yes, there was.

4679 . Q So he did most of the talking?

4680 . A Yes, he did.

4681 . Q Which leads me to wonder--

4682 . A Besides we weren't there to engage in a dialogue
4683 with him so much as to receive whatever it was that he was

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 192

4684 There to provide us that would be helpful to the United
4685 States Government.

4686 . Q For an hour and 15 minutes you took only a page and
4687 three-quarters of notes. If he did most of the talking how
4688 come there is so little notes?

4689 . A These are the notes that I took that--

4690 . Q Were they the high points, so to speak?

4691 . A Well, I try to get high points on notes. I
4692 obviously don't take verbatim notes, that is clear from all
4693 of my notes, I am sure.

4694 . Q I just want the record to be clear on that, you
4695 weren't trying to be verbatim on this?

4696 . A No.

4697 . Q These were a sketch outline of the high points?

4698 . A Yes, to the extent I could get down the high points.

4699 . Q If there were any major things discussed, you
4700 believe they are included in those notes?

4701 . A I would have to review the notes right now to see if
4702 there is anything that my memory would call to mind that
4703 isn't in the notes, that might be characterized as major,
4704 but I am otherwise satisfied with your statement.

4705 . Q Let's just put it this way, so there will be no
4706 misunderstanding by any parties at a later date; when you
4707 took these notes you intended to make sure those notes
4708 included all major points discussed in the conversation?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 193

4709 A That is true of all my notes, to the extent I could
4710 and there are, however, points that would be viewed as
4711 salient, particularly, I should think, in the hindsight of
4712 this matter, that may well not have made it into my notes.
4713 For example, I don't know whether my notes reveal the fact
4714 that, as Mr. Green attributed to Hakim the idea of a contra
4715 diversion.

UNCLASSIFIED

NAME: HIR174002

PAGE 194

UNCLASSIFIED

4716 RPTS DOTSON

4717 DCMM DANIELS

4718 Q Because in your notes you have A-K-i-m, Akim.

4719 A I didn't know who it was he was talking about. I

4720 don't know if he was talking about a fellow named Akim or

4721 Hakim. This was the first time this name had come into my

4722 consciousness.

4723 Q It was a phonetic spelling on your part, was it

4724 not?

4725 A Yes, it was.

4726 Q And since you have grown more knowledgeable about

4727 the events, you have come to realize the Akim in your notes

4728 was Mr. Hakim, H-a-k-i-m?

4729 A That is right. But, as I say, I do not immediately

4730 see in the notes any statement that the contra diversion was

4731 Mr. Hakim's idea, but that is definitely what Green told us.

4732 So I would regard that as a major element of this.

4733 I do remember very well the scenario that Green suggested in

4734 terms of this idea.

4735 Q You met with Mr. Wallison on Thursday afternoon, at

4736 the time of the phone call from Mr. Sofaer regarding the

4737 conflict between Shultz and McFarlane and then the next time

4738 you met with him, according to your chronology, would have

4739 been Tuesday morning when you met with Donald Regan and him

4740 and Dennis Thomas prior to drafting the statement for the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 195

4741 record; is that right?

4742 . A That is right.

4743 . Q Did Mr. Wallison at that meeting or after the

4744 meeting, before the meeting, share with you his reaction to

4745 the events that unfolded in the four days between the

4746 conflict arising on Thursday and your investigation and its

4747 products Tuesday?

4748 . A Not in any intimate or private way, but it is quite

4749 obvious everybody at the White House was, shared the

4750 reaction of surprise and concern about what the consequences

4751 would be of this.

4752 . Q Was there any reaction on his part to the effect,

4753 or implication on his part to the effect if the White House

4754 Counsel had known all about this earlier, none of it would

4755 have happened?

4756 . A Peter never suggested anything to me along those

4757 lines, no.

4758 . Q Have you ever heard that echoed by anyone, the

4759 White House Counsel felt if the White House Counsel had been

4760 brought on earlier on, this kind of thing would never have

4761 occurred, would have been rooted out a lot earlier?

4762 . A I never heard any statement to that effect, no, out

4763 of the White House Counsel's office or attributed to the

4764 White House Counsel's Office.

4765 . You mean statements that would say if they rather

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 196

4766 than the Justice Department had done the fact-finding or if
4767 they had been in on it back at the inception of the
4768 initiative in January of 1986, the whole thing--
4769 . Q Or for that matter, even earlier? Let's say for
4770 example if they had been appraised of the respective use of
4771 the CIA in the shipment of HAWKS--
4772 . A It would never have happened--
4773 . Q They might have seen the legal issues that would
4774 have been on the horizon or counseled against it?
4775 . A I feel certain that is an accurate statement. It
4776 is certainly an accurate statement if the Justice Department
4777 had been in there at the time. We would have hopefully
4778 noted the legal problems and counseled against it.
4779 . Q If the National Security Adviser to the President
4780 had sought the advice of the President's counsel with regard
4781 to Mr. North's proposal that a diversion take place before
4782 the diversion took place, that the White House Counsel's
4783 Office would have counseled Mr. Poindexter against allowing
4784 it to take place and it never would have occurred?
4785 . A I should think they would have.
4786 . Q I am sure you would think the Office of Legal
4787 Counsel would have so cautioned them and advised them not to
4788 allow that to happen.
4789 . A It is with utmost confidence I confirm that
4790 conclusion.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 197

4791 Q But you never heard any discussions along those
4792 lines?

4793 A No, I didn't. I really didn't. I think there was
4794 a lot of "if only kind of hand-wringing" a lot of people
4795 were doing. But at that time, that point, we had what we
4796 had and there was not a darned thing anybody could do about
4797 it.

4798 Q One question, I am sure you will be asked about it,
4799 I think you have probably been asked about it, I think it is
4800 something we need your answer on the record, why was the
4801 Attorney General, to the extent that you know, why did the
4802 Attorney General wait until Tuesday to order the sealing of
4803 the documents in Mr. North's office having learned about the
4804 diversion memo as early as Saturday?

4805 What would be your answer as to the delay from
4806 Saturday to Tuesday before sealing off all those documents
4807 to ensure they weren't shredded as we have learned some of
4808 them were or altered as we have learned some of them were
4809 subsequent to the investigation beginning?

4810 A The criminal investigation? There was shredding
4811 that took place even after the criminal investigation began.

4812 Q I shouldn't say shredding. Well, first of all--

4813 A The shredding took place on Friday, right, Friday
4814 afternoon?

4815 The report on that that I have seen--

UNCLASSIFIED

NAME: HIR174002

PAGE 198

UNCLASSIFIED

4816 ... Q There could be some shredding after that. Let's
4817 leave that aside for a second. At least in theory there
4818 could have been some shredding after that.

4819 I am not going to make any statement to that
4820 effect, but we do know from the testimony of Fawn Hall that
4821 documents were removed, there is no question about that,
4822 prior to the sealing of the office.

4823 Indeed, just as it was about to happen, being
4824 sealed off, she testified she was gathering them up and
4825 taking them out on Tuesday.

4826 Excuse me, on Wednesday. So--I guess the question
4827 is why the delay from mid-day Saturday to I guess it was
4828 ultimately, the decision was made on Tuesday afternoon by
4829 the gentleman tasked, Mr. Burns, but I guess it wasn't fully
4830 implemented until Wednesday.

4831 Q That is essentially my understanding of the fact.
4832 The simple answer is not until Tuesday was a decision made
4833 to, I won't say launch, but to turn over this fact-finding,
4834 or turn this fact-finding into a criminal investigation.

4835 Not until Tuesday had we developed our thinking and
4836 analysis such that we recognized the possibility of criminal
4837 liability under certain possible scenarios we could not then
4838 discount.

4839 And as soon as the decision was made that this
4840 matter should be investigated for possible criminal

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 199

4841 liability, the obvious decision to do those things that one
4842 does when a criminal investigation is launched were done.

4843 . But prior to that time, we had not reached any
4844 conclusions that there was any criminal activity that might
4845 have taken place.

4846 . 2 Was there anything, just to make sure we have got
4847 this clear for the record, was there any reason for you,
4848 let's start with you and then we will go to the Attorney
4849 General, was there any reason for you to think prior to
4850 Tuesday afternoon when the Attorney General made that
4851 decision, was there any reason for you to think there was
4852 any risks those documents that had been looked at by Mr.
4853 Reynolds or any other documents would be destroyed, altered,
4854 or shredded in the next few days?

4855 . A I had no evidence to alert me to that possibility.

4856 . 2 Did you even have any possibility that would
4857 suggest that that was likely to happen or even remotely
4858 likely to happen?

4859 . A I had no evidence to suggest that that was likely
4860 to happen.

4861 . Now, by that time, I was not entirely, I mean
4862 obviously we had encounters with Mr. North and Mr. McFarlane
4863 that accentuated our concerns, I guess, or provided a
4864 foundation for the conclusion that they had not been
4865 entirely straightforward and forthcoming in the chronology

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 200

4866 and certainly not with respect to the existence of this
4867 contra business.

4868 . Q The diversion.

4869 . A Right, but at that point, I just can't, you know,
4870 we had no evidence to suggest that the act of shredding
4871 documents, which to me, I think I expressed yesterday, is
4872 truly extraordinary kind of course of conduct to embark
4873 upon.

4874 . Q In fact, it is a crime, is it not? Aren't you
4875 aware the destruction of official documents is a felony?

4876 . A I am certain that that is true. I am not
4877 acquainted particularly or closely with the statutes in this
4878 area. But I am vaguely enough to know this would be a
4879 matter of the gravest--and this is a matter of the gravest
4880 concern.

4881 . Q Would it be too strong to say it seemed to you
4882 inconceivable on Friday, I mean on Sunday or Monday even for
4883 that matter that critical documents might be about to be
4884 destroyed or altered permanently?

4885 . A I don't think that would be too strong.

4886 . Q Now about the Attorney General? Did you have any
4887 reason to think that he had reason to think, based on what
4888 he knew, that that was likely, documents were likely to be
4889 shredded or destroyed, permanently altered during that time
4890 frame up until Tuesday the 25th?

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 201

4891 . A No. I mean, the fact any one of us had a basis on
4892 which to conclude--
4893 . Q Suspect--
4894 . A --that was likely--
4895 . Q Or suspect it was likely.
4896 . A We would have taken steps immediately necessary to
4897 stop, to prevent it just as we took steps immediately to
4898 prevent inaccurate testimony from being provided to
4899 Congress.
4900 . Q So when the Attorney General made his decision on
4901 Tuesday, you viewed that as a means to protect the documents
4902 for the future rather than to stop something that was about
4903 to happen or in the process of happening?
4904 . A Right. Absolutely. There was no thought there was
4905 anything in the office or underway in the nature of
4906 destruction of documents and evidence of wrongdoing.
4907 . Q And did you view the Attorney General's decision as
4908 being a decision that would be typical and consistent with
4909 the institution of an investigation?
4910 . A Yes.
4911 . Q So not even really an unusual decision under the
4912 context of the decision that has been made that day?
4913 . A No, that is exactly right. I mean I have confessed
4914 to you earlier I am not, I have no criminal prosecutorial
4915 experience or investigatory experience, but it did not

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 202

4916 Strike me as odd in the least that that would be the first
4917 matter disposed of on the launching of a criminal
4918 investigation.

4919 . Q The meeting that came up at is, I believe, that
4920 2:30 meeting on Tuesday.

4921 . Is that right?

4922 . A I am sorry.

4923 . Q I believe the meeting at which the discussion of
4924 and decision to freeze the documents and seal off the room
4925 came up at the meeting at 2:30 on Tuesday the 25th; is that
4926 right?

4927 . A Yes, apparently it did.

4928 . Q That was a meeting attended by not only the
4929 Attorney General, but yourself, Steve Trott, Judge Webster,
4930 Director of the FBI, among others.

4931 . Who was it at the meeting that suggested this be
4932 done? Was it the Attorney General himself, Mr. Trott, or
4933 Mr. Webster?

4934 . A The only thing I recall is the Attorney General
4935 directing Arnie Burns to do it. I do very well recall the
4936 Attorney General clearly requesting Mr. Burns to be in touch
4937 with Peter Wallison to accomplish that.

4938 . Q Now, Ms. Naughton raised a question, Mr. Cooper,
4939 that--

4940 . A And, you know, now that I re-examine these notes,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 203

4941 It is entirely possible when we reconvened with the AG at
 4942 5:45 to 7:00 on Tuesday that it was at that time that Mr.
 4943 Burns indicated he had not yet formed the request.
 4944 . I just suggest that as a possibility. I don't have
 4945 a crisp recollection that that is the case.
 4946 . Q Was he accompanied by any of his deputies at either
 4947 the meeting at 2:30 or the meeting at 5:45?
 4948 . A I do not recall it. I think the answer to that is
 4949 no.
 4950 . Q Ms. Maughton raised the question earlier, I don't
 4951 think you got a chance to respond to it, maybe it wasn't a
 4952 question, maybe it was just a suggestion and you may, for
 4953 the record, want to respond to that.
 4954 . She identified, I believe on the record, Mr.
 4955 Cooper, Mary ^{Lawton}~~Maughton~~. You know Mary ^{Lawton}~~Maughton~~, don't you?
 4956 . A I do.
 4957 . Q I think she is regarded as an expert on national
 4958 security matters. Would that be a fair statement?
 4959 . A I think it would.
 4960 . Q There seemed to be some question or suggestion that
 4961 perhaps you, in conducting yourself in this investigation at
 4962 some point should have called her in, Ms. ^{Lawton}~~Maughton~~, and
 4963 sought her advice with regard to findings, not the fact
 4964 there were findings and the need for findings.
 4965 . Is there any particular reason why you did or

UNCLASSIFIED

NAME: HIR174002

PAGE 204

UNCLASSIFIED

4966 didn't do that along the way?

4967 . A We did consult with Ms. ^{Lawton's} ~~Lougiston~~'s office in

4968 preparation for a December 17 memorandum, memoranda on

4969 certain issues. I cannot immediately recall to mind for you

4970 what issues they may have been, but I do know that we

4971 discussed it.

4972 . Q Was there any specific reason why she hadn't been

4973 brought into the loop, so to speak, earlier on with regard

4974 to the investigation of the pre-January events?

4975 . A In our fact-finding?

4976 . Q Either at the fact-finding stage or afterwards as

4977 you were doing a legal analysis of it.

4978 . A Her office was consulted by mine in connection with

4979 the legal analysis.

4980 . Q How about as to the fact-finding stage? Was there

4981 a need for her to be involved in that particular task?

4982 . A Fact-finding?

4983 . Q Yes.

4984 . A I don't--

4985 . Q When you and Mr. McGinnis were putting the

4986 chronologies and all that information together?

4987 . A I do remember discussing with Mary the so-called

4988 Bill Smith opinion. In fact, her office tracked it down for

4989 us.

4990 . Q Did you go over it with her?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 205

4991 . A In a general sense, in a general way. But not in
4992 any detail. Once we had the opinion we had whatever it is
4993 the opinion says.

4994 . Q How about the exhibit, Exhibit No. 2, your
4995 memorandum to the Attorney General that you and Mr. McGinnis
4996 worked on? She didn't have any input into that particular
4997 memo, did she?

4998 . A Well, no, not beyond the--in terms of input, no.
4999 But we did obtain from Mary the Smith opinion and that had a
5000 role, of course, to play in that opinion.

5001 . Q But you didn't view any particular necessity for
5002 her to be involved in the drafting of that opinion or
5003 assisting you in that?

5004 . A No.

5005 . Q She wasn't a member of your office, was she?

5006 . A No, she is not, although--you know, my task was to
5007 provide my legal analysis to the Attorney General on these
5008 matters, and that is exactly what we did. These were not
5009 particularly difficult or intricate, obscure points we were
5010 making.

5011 . Q Who did Assistant Attorney General Wallison assign
5012 from his division to head up the investigation on that
5013 Tuesday?

5014 . A I don't know. I don't recall.

5015 . Q Was it Mark Richardson?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 206

5016 A No, I don't think so. Although Mark had a role.

5017

5018

5019

5020 Bill Weld's principal deputy on this particular project.

5021 Q Let me ask you the Kitchen sink question before I

5022 turn it over to Tina.

5023 Is there anything I haven't asked you or Pam

5024 Naughton hasn't asked you that you think is important that

5025 you would like to have included on the record in order to

5026 better clarify it from the perspective of what you did and

5027 what the Attorney General directed you to do and what the

5028 Attorney General did?

5029 A I can think of nothing now I would like to add at

5030 this time.

5031 MS. WESTBY: I have a couple simple questions.

5032 EXAMINATION ON BEHALF OF THE HOUSE SELECT COMMITTEE

5033 BY MS. WESTBY:

5034 Q The first one is: When Meese pulled you aside in

5035 this conference to say there might be some legal questions

5036 that you might be involved with, did he at that time or at

5037 any time soon after give you the impression that he knew

5038 details on this or had been asked about the legality of an

5039 oral finding?

5040 A An oral finding?

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR174002

PAGE 207

5041 Q Did he let you know he had been in conversations
5042 before?

5043 A Before an oral finding?

5044 Q Or did he just say this is an issue that has come
5045 up and be aware it might come to your office?

5046 A It was more in the nature of giving me a heads up
5047 that our office would almost certainly be examining legal
5048 issues that relate to the Iran initiative, then very much in
5049 the news.

5050 I subsequently learned, of course, that the
5051 Attorney General had been involved from the standpoint--at
5052 the inception of the Iran initiative, at least the part of
5053 it that was begun by the finding, early to mid-January, by
5054 providing legal advice, legal advice that, of course, would
5055 be under scrutiny.

5056 Q Did you learn that from him?

5057 A Yes. I learned it from other sources, everybody.
5058 There was no secret he was involved in it. I don't recall
5059 having had conversations about that on November 7 out at the
5060 Xerox training center, however.

5061 Q Even in the coming weeks, did he provide you any
5062 kind of information, did he sit you down and say, "By the
5063 way, you ought to know I was asked this question or I was
5064 asked about the finding?"

5065 A Asked about the finding?

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 208

5066 Q Well--

5067 A I did know that he did undertake to pass on legal
5068 issues, the legality of the finding--

5069 MR. LEON: Did he do that orally or in writing?

5070 THE WITNESS: Orally. At least to this day, I have
5071 never been acquainted with anything wrong he did although
5072 Sporkin worked up some legal documents, analyses, but he
5073 reviewed and discussed the matter with Sporkin and concluded
5074 it was indeed legally authorized.

5075 BY MS. WESTBY:

5076 Q Did you see him though when you were first
5077 introduced to this matter as an outsider to these events and
5078 then by the time you get around to meeting with everybody
5079 concerning Casey's testimony, realize he was a participant?5080 A Oh, no, no. Certainly before the Casey meeting
5081 in--the meeting in Poindexter's office regarding Casey knew
5082 very well he had the role I described.

5083 Q He did discuss that with you?

5084 A Oh, yes.

5085 Q All right.

5086 The other question I have was regarding your phone
5087 conversation with Richard Armitage. When you were on the
5088 phone with Armitage, I understand you to have been calling
5089 him to find out what is the procedure for this kind of
5090 transaction.**UNCLASSIFIED**

UNCLASSIFIED

NAME: HIR174002

PAGE 209

5091 -- Did he give you any--did he say to you, 'Gee, whiz,
5092 I know more than how this thing works. I was asked about
5093 pricing on this?' Did he give you--did he provide any
5094 details about his own participation?

5095 . A Well, I don't recall him having provided me any
5096 details about participation.

5097 . Q He didn't volunteer anything?

5098 . A --in the sense of participation prior to the
5099 time--contemporaneous with the events that were being
5100 investigated.

5101 . No, I don't recall any offering of his that he had
5102 participation at that level. At best, I have a recollection
5103 that he was examining the details of the Economy Act
5104 transfers that took place and that that information was
5105 information that would be made available to us, of course,
5106 but I didn't--I do not recall any reference that he had any
5107 kind of involvement, let us say, in the DoD end of any of
5108 the individual transactions when they took place, the TOM
5109 transfers.

5110 . Q What did he understand your role to be in this?
5111 Did he understand that you were investigating this for the
5112 Attorney General or did he just think you were calling out
5113 of the blue on behalf of the Attorney General? Did he know
5114 you were investigating this matter?

5115 . A Well, I am sure to the extent this happened before

UNCLASSIFIED

NAME: HIR174002

UNCLASSIFIED

PAGE 210

5116 the Tuesday press conference, I am sure I told him that we
5117 were looking into this matter and that it would be helpful
5118 to us to have some information and some assistance on
5119 figuring out the Economy Act process, in general, and in
5120 particular as it related to the individual shipment of arms
5121 to Iran.

5122 . Q And he never told you that his office was involved
5123 in that process?

5124 . A I don't recall him ever having told me that, no. I
5125 do not recall that.

5126 . Now, when you say involved, let me be clear; you
5127 mean in the Economy Act controversies that related to, let's
5128 say, the 508 TOWs or the 1000 TOWs--

5129 . Q Did he ever tell you his office had prepared
5130 documents or proposals or point papers regarding the
5131 specific shipments of HAWKS and TOWs?

5132 . A I do not recall him having said that to me.

5133 . Q Did he ever tell you that he ever had any
5134 conversations with Ollie North about, for instance, the
5135 November shipment?

5136 . A No, he certainly didn't tell me that. That is
5137 something that I would have a recollection of if he told me.

5138 . Q Did he ask you anything?

5139 . A I don't recall any struck me as odd or that made an
5140 impression on my memory.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 211

5141 MS. WESTBY: That is about it for me.

5142 MR. LEON: Let me just finish with one thing, just

5143 one simple point. I want the record to be clear about this.

5144 EXAMINATION ON BEHALF OF THE HOUSE SELECT COMMITTEE

5145 BY MR. LEON:

5146 Q From the point your investigation began on Friday

5147 afternoon to lunch time after the Attorney General spoke to

5148 the President, up until the President was informed on Monday

5149 morning by the Attorney General of the events, during that

5150 time frame, is it safe to say, Mr. Cooper, that you and

5151 other members of that investigation team were working on a

5152 constant basis long hours and under great pressure?

5153 A I think that in all candor and all modesty, it

5154 wildly understates the matter.

5155 Q I think this is important because, first of all,

5156 the press will be reviewing whatever portions of this

5157 transcript probably are unclassified and historians will be

5158 reviewing it and this investigation is going to be the

5159 subject of scrutiny probably for years, not to mention the

5160 next few days, and I think it is important that those who

5161 review it have a flavor, a sense of how the four of you that

5162 were doing this investigation, the conditions under which

5163 you were operating, the sense of urgency and pressure under

5164 which you were operating.

5165 And while the chronology gives flavor certainly to

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 212

5166 The constant grind of meetings of very sensitive matters and
5167 complicated matters, I think it is important for you to
5168 state in your own words for the record some sense of the
5169 rush of it all, the burden of it all, so that people can
5170 view what was done and the decisions that were made in
5171 perspective of how the four of you were living.

5172 . So if you could just give something to the record
5173 for that point, and I invite you to state it as fully as you
5174 wish, because I have no other questions.

5175 . A Mr. Leon, I appreciate your affording me that
5176 opportunity, because it is not possible for my chronology or
5177 any recounting of events I might provide to you or your
5178 colleagues even over a span of what now has exceeded 20
5179 hours in testimony by me, by me alone, just one member of
5180 that small group of people who were involved in this
5181 project.

5182 . Even over that length of time, it is really
5183 entirely impossible for me to fully provide you with a sense
5184 of, with an adequate, accurate sense of the circumstances of
5185 that period of time.

5186 . It was--to call it exhausting and hectic and
5187 complicated all would be pale adjectives and I really am
5188 unable to provide a description of it, of that weekend that
5189 would accurately suggest the circumstances under which we
5190 were proceeding.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 213

5191 At the same time, I do not for a moment deny that
5192 it was very exciting. I don't mind saying that,
5193 notwithstanding it was--you now the thing has led to such
5194 extraordinary consequences. And the full consequences are
5195 not even now fully appreciated probably.

5196 But obviously I do not participate in meetings in
5197 which I am personally interviewing on matters so sensitive
5198 and so important to the Nation and to the President,
5199 matters--I do not often sit in and discuss matters of that
5200 kind with the Secretary of State and National Security
5201 Advisers, and Directors of Central Intelligence.

5202 So I cannot disguise, nor do I disclaim the fact
5203 that it was an element of excitement to have been involved
5204 in this and to have been in that place at that time in
5205 history. But by the same token, it was a matter,
5206 the importance of which the Nation was uppermost in my mind,
5207 and I think in the minds of everybody there.

5208 And the potential consequences for the Nation, for
5209 this Administration, were fully appreciated and simply added
5210 a sense of gravity to the undertaking.

5211 But it was, my chronology and the amount of time
5212 that it has taken me to answer your questions, do provide
5213 some flavor, perhaps, of the nature of the weekend and the
5214 pressures we were operating under.

5215 2 I think it is important to state that because there

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 214

5216 will always be a lot of Monday morning quarterbacking and in
5217 this case it is an apt analogy because it was a weekend
5218 event, but I think you have captured the sense and I think
5219 you would agree that there was an operational sense among
5220 the four of you that were acting out of a sense of great
5221 caution because of the importance and sensitivity of what
5222 was going on.

5223 I think you would agree there was a sense of every
5224 effort was being made to act deliberately, but yet at the
5225 same time, very cautiously.

5226 Would that capture in part the manner the four of
5227 you were conducting your duties?

5228 A I do not quarrel, but rather accept your
5229 characterization, yes.

5230 Q On behalf of the House Committee, and I am sure I
5231 speak for the Senate, you know, we sometimes don't
5232 adequately express our sense of thanks. You have been
5233 extraordinarily generous of your time.

5234 As an Assistant Attorney General, you have a busy
5235 calendar and you and the Office of Legislative Governmental
5236 Affairs have been very cooperative and worked very long
5237 hours to assist us in the collection of your testimony and
5238 you have been very helpful in the collection of documents to
5239 supplement ^{our} ~~ex~~ prior discovery, which you were very helpful
5240 with.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR174002

PAGE 215

5241 ... On behalf of the House and Senate Committees and
5242 the Members, I would like to thank you for the time and
5243 effort and candor and inconvenience to your schedule. We
5244 appreciate it very much.

5245 A I am grateful very much for that, for your
5246 comments. I also want to make known on the record that I
5247 have been accorded every personal and professional courtesy
5248 by the staff of this committee, and for that I am most
5249 grateful as well.

5250 MR. LEON: Thank you very much.

5251 [Whereupon, at 4:15 p.m., the deposition was concluded.]

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4142

Committee Hearings
of the
U.S. HOUSE OF REPRESENTATIVES

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NAME: HIR182000

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PAGE 1

1 RPTS TETER

2 DCMM TETER

4 DEPOSITION OF CHARLES J. COOPER

6 Wednesday, July 1, 1987

8 House of Representatives,

9 Select Committee to Investigate

10 Covert Arms Transactions with

11 Iran,

12 Washington, D.C.

13
14 The Select Committee met, pursuant to call, at 10:40
15 a.m., in Room 2226, Rayburn House Office Building, Richard
16 Leon (Deputy Chief Minority Counsel) presiding.

17 Present: On behalf of the House Select Committee:
18 Richard Leon, Deputy Chief Minority Counsel; and Pamela
19 Naughton, Staff Counsel.

20 On behalf of the Senate Select Committee: Richard
21 Parry, Associate Counsel.

22 On behalf of the Witness: Thomas M. Boyd, Deputy
23 Assistant Attorney General, Department of Justice.

24 MR. LEON: On the record.

25 Whereupon,

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NAME: N1R182000

PAGE 2

26 . CHARLES J. COOPER
27 was called for as a witness and, having been first duly
28 sworn, was examined and testified as follows:
29 . MR. LEON: Why don't we have--we'll go around the
30 table and have everybody introduce themselves.
31 . My name is Richard Leon. I'm Deputy Chief
32 Minority Counsel of the House Committee on Iran.
33 . MR. PARRY: Richard Parry, Associate Counsel of
34 the Senate Select Committee.
35 . MS. NAUGHTON: Pamela Naughton, Staff Counsel
36 with the House Select Committee to Investigate Covert Arms
37 Transactions with Iran.
38 . MR. BOYD: Thomas Boyd, Deputy Assistant
39 Attorney General, Justice Department.
40 . THE WITNESS: Charles J. Cooper, Assistant
41 Attorney General for the Office of Legal Counsel, Department
42 of Justice.
43 . MR. LEON: Mr. Cooper, thank you so much for
44 coming today. We never expected last week, after 18 hours
45 worth of depositions, approximately, that we'd feel a need
46 to call you back and pray upon your good offices and your
47 patience and time. As I have promised you, and Mr. Boyd,
48 we're going to try to be very brief about this and get you
49 in and out.
50 . What's precipitated this deposition today, as

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 3

51 you, I am sure, are aware, there's an exhibit that was
52 submitted--actually it wasn't an exhibit, I believe, it was
53 the release of a transcript of the deposition of Judge
54 Abraham Sofaer, Legal Counsel to the Secretary of State, a
55 deposition dated June 18th, 1987.

56 House minority was unaware that that deposition
57 had ever taken place until it had been released that day in
58 the hearings last week when you appeared and we had no
59 knowledge that it was going to be referred to in any
60 questioning of you, and of course, you had never seen it
61 prior to the hearing last Thursday, nor been questioned
62 about it in any way, shape or form prior to the hearings.

63 Having reviewed the transcript, there were
64 questions that we feel need to be asked on the record of you
65 regarding certain conversations that are recounted in there
66 by Judge Sofaer, and because of that, we've asked you to
67 give up some part of your time to answer those questions and
68 we thank you very much for being here today to answer those
69 questions.

70 THE WITNESS: I'm happy to be here. It is my
71 purpose to respond to the Committee's request until such
72 time as my usefulness has been expended, and you all will
73 know that; I won't, but I will continue to cooperate in any
74 way I can.

75 MR. LEON: Thanks.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 4

76 . My colleague, Pam Naughton, I'm informed, has
77 only one question she wants to ask and I think, for the sake
78 of her busy schedule and--I think it would be easiest just to
79 defer to her and have her ask her question and whatever
80 follow-up she has and then I'll go back to the transcript
81 and address the questions that precipitated calling you in
82 here.

83 . MS. NAUGHTON: Thank you very much, Dick. I
84 think first we should get the preliminaries out of the way.

85 . EXAMINATION ON BEHALF OF THE HOUSE SELECT
86 COMMITTEE.

87 . BY MS. NAUGHTON:

88 . Q Mr. Cooper, are you represented here today in
89 your personal capacity?

90 . A Mr. Boyd is here from the Department of Justice,
91 under the same understandings, agreements and statements we
92 made on the record on the first day of my hearing, so yes,
93 he is here as both the Department's institutional
94 representative, as well as my own.

95 . Q So it's your understanding that he represents
96 both yourself and the Department of Justice?

97 . A Precisely the same understanding that I
98 expressed and that we discussed upon--and I guess the
99 deposition transcript will reflect--on the first day of my
100 deposition of testimony.

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR182000

PAGE 5

101 . Q Then I'm a little confused, Mr. Cooper, because
102 I understand that the Department made some public
103 statements, and you made a public statement that you were
104 not represented personally at the last deposition. I wanted
105 to clear that up.

106 . A Well, I--

107 . MR. BOYD: Could we have clarification as to
108 what these public statements are?

109 . MR. LEON: I have a copy of the deposition right
110 here if you'd like to refer to it.

111 . THE WITNESS: I do not have a copy of that, but
112 I recall our conversation on it and--

113 . MR. LEON: Would you like to refer to it?

114 . THE WITNESS: --and my own position on this
115 matter hasn't changed at all. And on the same basis on
116 which Mr. Bolton and, for a considerable amount of time, Mr.
117 Boyd were present for the earlier portions of my deposition,
118 I understand them to be present today.

119 . MS. NAUGHTON: I just want to get clear, then,
120 what's going on today.

121 . BY MS. NAUGHTON:

122 . Q Are you both--does Mr. Boyd both represent you
123 and the Department of Justice?

124 . A The understanding that I have regarding Mr.
125 Boyd's presence is reflected in this deposition transcript,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 6

126 | which Mr. Leon has--has displayed here to me, and, you know,
127 | I'm satisfied with that--that description on the record
128 | there, and really don't perceive a reason to articulate it
129 | all over again.

130 | I mean, you know, I explained in detail what my
131 | view of this was, Pam. It hasn't changed at all. I haven't
132 | had any further conversations about this since the time that
133 | we outlined the essence, so Mr. Boyd is here on the same
134 | basis that he was.

135 | Q That was unclear in the deposition and there's
136 | been a great deal of controversy about that, Mr. Cooper, and
137 | that's why I want to get it straight today before we proceed
138 | to--

139 | A The controversy has escaped my attention. Where
140 | is this--where is the--that has involved me and the status of
141 | my--

142 | Q I withdraw that comment. I simply ask you, does
143 | Mr. Boyd represent both yourself and the Department of
144 | Justice today?

145 | A That is my understanding, yes.

146 | Q Okay, thank you.

147 | MS. NAUGHTON: And Mr. Boyd, for the record,
148 | whom do you represent today?

149 | MR. BOYD: I represent Mr. Cooper in his
150 | capacity as Assistant Attorney General in charge of the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 7

151 Office of Legal Counsel, consistent with agreements that
152 we've reached with counsel on both sides of the Hill and the
153 Select Committees of both Houses, and have exercised in
154 previous appearances before this body.

155 . MS. NAUGHTON: Okay, and is it your opinion that
156 you also represent the Department of Justice at this
157 proceeding?

158 . MR. BOYD: Mr. Cooper is an employee of the
159 Department of Justice, and when engaging in the conduct
160 about which he has testified, he was a representative of the
161 Department and we are representing him personally, at his
162 request, before the Select Committee.

163 . MR. LEON: So if there were a conflict of
164 interest--

165 . MR. BOYD: If there were a conflict of
166 interest--if his activities were in any way--we'd have to
167 recuse ourselves, of course.

168 . MS. NAUGHTON: All right, so your position is
169 that you represent him personally, and not the Department of
170 Justice; is that correct?

171 . MR. BOYD: I'm not sure I understand the
172 question, but I represent him personally before this
173 congressional committee at his request.

174 . MS. NAUGHTON: All right.

175 . BY MS. NAUGHTON:

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 8

176 . Q And is that your understanding, Mr. Cooper?

177 . A That is largely my understanding, you know. It

178 has never been my request that anybody accompany to these

179 depositions, however, neither do I have any objection to--to

180 anyone accompanying me to these depositions or answering

181 these questions under--under spotlights and in public.

182 . But my understanding of the arrangements that

183 have been worked out on this between our Department and this

184 Committee are reflected in that transcript, and I have no

185 understanding beyond that, the transcript of the deposition

186 from my first day of testimony. And I--you know, I endorse

187 it, I incorporate it by reference and I don't have any basis

188 on which to elongate on it. It's just the same state of

189 affairs that existed back then that I understand to exist

190 now.

191 . Q So you accept Mr. Boyd's representation that he

192 represents you personally today--

193 . A I do--

194 . Q --in these proceedings.

195 . A --accept that representation, as I accepted that

196 understanding of the status of affairs on the first day of

197 my deposition when the whole thing was explained to me then

198 for the very first time.

199 . MR. LEON: And was applied the second day of

200 your deposition, June 23rd.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 9

201 THE WITNESS: Yes, yes.

202 MR. LEON: You didn't have to be reexamined on

203 that occasion.

204 THE WITNESS: I don't recall a conversation

205 about it.

206 MR. BOYD: Let me ask a question for the record,

207 and that is, Ms. Naughton made reference to public

208 statements. Could you give us more specifics as to what

209 public statements you're referring to?

210 MS. NAUGHTON: Yes, I understand the Department

211 of Justice spoke to reporters yesterday or the day before.

212 You said that Mr. Cooper was not represented personally at

213 the depositions which we held last week.

214 MR. BOYD: Where did those comments appear? I

215 haven't seen them; have you?

216 MS. NAUGHTON: Well, I'm not here to testify.

217 THE WITNESS: I have knowledge that sounds

218 similar to the points that you're making and I did discuss

219 the status of my own representation with a reporter from the

220 Legal Times, I recall, and tried, in the best way I could,

221 to explain to him as accurately as I could the arrangement

222 that was worked out, but I stressed to him then, as I

223 stressed here, and I will stress again, I've not retained

224 private counsel to represent me in any aspect of any element

225 of my conduct throughout this, and--and, you know, I'm eager

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 10

226 to not project any impression or create any inference that I
227 have.

228 MS. NAUGHTON: Did you tell anyone, including
229 the reporter, that you were not personally represented at
230 the depositions?

231 THE WITNESS: No, I don't believe I told anyone
232 that, no. I think what I told anyone who I discussed this
233 with is an understanding, a representation of the
234 understanding about the reasons for Mr. Bolton's or Mr.
235 Boyd's presence here in a capacity that is personal to me,
236 but I certainly never--never described that understanding in
237 a way that's inconsistent with the understanding reflected
238 on this deposition transcript, not to a reporter, not to
239 anybody else.

240 MS. NAUGHTON: Okay. Well, I'm glad you had an
241 opportunity to clear that up.

242 THE WITNESS: Yeah.

243 MR. BOYD: I have said, too, for the record,
244 that our representation of Mr. Cooper is in no way different
245 from the representation of other agencies who have testified
246 on both sides.

247 BY MS. NAUGHTON:

248 Q Mr. Cooper, if we can get to the substance now,
249 I just have one question for you.

250 When you and the Attorney General interviewed

UNCLASSIFIED

NAME: HIR182000

UNCLASSIFIED

PAGE 11

251 Robert McFarlane on November 21st, 1986, in the afternoon,

252 Friday afternoon--

253 A Yes.

254 Q --do you recall whether or not either you or the
255 Attorney General told Mr. McFarlane about Secretary of
256 Shultz' note, that is, the note that Mr. Hill had regarding
257 the statement that Mr. McFarlane had told Shultz in November
258 of '85 that there were Hawks on that shipment?

259 A It's my recollection that we did not tell him
260 about that note. In fact, I can recall going into the
261 interview thinking that we would question him about a
262 conversation and, if necessary, suggest the existence of a
263 note that documented that conversation, but in fact, that
264 line of inquiry never was asked--or I should take that back.
265 We did, indeed, discuss the question regarding any
266 conversations that he may have had in November about the
267 November episode, the November event, and about
268 conversations that he may have had with Shultz.

269 I really can't remember whether he offered the
270 information, as I recall it now, that he doesn't recall
271 having a conversation, but he thinks he probably did--he did
272 say that during the interview--or whether the Attorney
273 General asked him the question whether he had such a
274 conversation. But in any event, he did make reference, as I
275 have just described, to a possible conversation that he had,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 12

276 | but there was no reference during that interview to notes in
277 | my recollection.

278 | Q Well, when Mr. McFarlane said he may have had a
279 | conversation with Shultz, did he say that may have involved
280 | Hawk missiles--

281 | A Oh, no--

282 | Q --Hawk missiles?

283 | A No, he did not. That--that I can be quite
284 | confident in my statement about.

285 | Q Was it indicated in any way to him by either
286 | yourself or the Attorney General that Secretary Shultz had
287 | told you or had told someone else that Mr. McFarlane had
288 | mentioned the Hawk missile shipment to the Secretary in
289 | November of '85?

290 | A No, it was not, not during that conversation,
291 | but I can tell you this: I, as the interview was taking
292 | place, I believed silently that McFarlane knew that we knew
293 | that there were notes of a Shultz/McFarlane conversation on
294 | this subject matter.

295 | Q Why did you get that feeling?

296 | A It wasn't so much that I got that feeling from
297 | the context or anything that he said.

298 | Q Uh-huh.

299 | A It was just that I had had conversations with--on
300 | Thursday evening, with Paul Thompson, in which--you know, I

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR182000

PAGE 13

301 | was really quite urgently about the business of trying to
302 | get the testimony straightened out and was advising Paul
303 | Thompson that they were very--very serious cloud over the
304 | statement that, you know, we had gone into at length, both
305 | here and in public testimony, and I--and I advised him that
306 | we had information of a conversation and later, I advised
307 | him not only did we have different recollections, but that
308 | the Secretary of State's recollection is supported and
309 | corroborated, I am told, by a note, an allegedly
310 | contemporaneously taken note of the conversation.

311 | So--and it was also my understanding from Paul
312 | Thompson that he had talked to North and that North, in
313 | turn, had talked to McFarlane, though I never talked to
314 | North, and I never talked to McFarlane. This is what I
315 | perceived and--from Thompson, and upon learning--and that
316 | notwithstanding these facts, they still maintained their
317 | position on it, that--that the conflict was unavoidable and
318 | we couldn't clear it up. We would simply have to deal with
319 | the immediate problem, which was getting it out of any
320 | testimony or any reference that Poindexter might make in his
321 | informal briefings and clear it up in due time as
322 | expeditiously as possible.

323 | So, Ms. Naughton, I--as we were discussing it, I
324 | believed that McFarlane probably knew about the existence of
325 | this note as he was discussing the question of the November

UNCLASSIFIED

NAME: HIR182000

UNCLASSIFIED

PAGE 14

326 transfer.

327 Q But he--I can assume he never referred to--

328 A He never--he did not, he did not.

329 MS. NAUGHTON: Thank you very much, I appreciate

330 your indulgence.

331 THE WITNESS: Certainly.

332 EXAMINATION ON BEHALF OF THE HOUSE SELECT

333 COMMITTEE

334 BY MR. LEON:

335 Q It occurs to me, Mr. Cooper, that among the

336 exhibits to Judge Sofaer's testimony is a November 21

337 memorandum which Judge Sofaer advised the Secretary of State

338 not to--not to meet Bud McFarlane's request to meet with him

339 about a prior conversation, in that Sofaer testified that

340 there was an inquiry on McFarlane's part into what they had

341 talked about--and notes were going. Did Sofaer bring that to

342 your attention on the 21st at all?

343 A Bud's request to meet with the Secretary--and

344 the 21st is Friday?

345 Q Right. Do you recall going over that with Bud?

346 A You know, I don't have a specific recollection

347 of Abe Sofaer telling me that McFarlane was trying to do

348 this, but I have a very general and vague recollection that,

349 indeed, he may have mentioned that. I mean, I knew that

350 that event had taken place before I read about it in the

UNCLASSIFIED

UNCLASSIFIED

NAME: NIR182000

PAGE 15

351 deposition transcript. But when it came to me or in what
352 context Sofaer or anybody else might have made that known to
353 me, I do not recall.

354 . It may well be--you know, it may well be that
355 that information or that--you know, it occurs to me that the
356 Secretary of State may have mentioned that in our interview
357 with him Saturday morning that McFarlane was calling him or
358 attempting to set up a meeting with him and that he--and that
359 he was going to decline to have such a meeting with him.

360 . I have a general and vague recollection that
361 that may well--I hate to keep qualifying it, but I only have
362 a general recollection that Shultz may have mentioned it
363 Saturday morning and I just have no recollection whether my
364 notes reveal that or not, but my notes may even--may even
365 provide some insights on that.

366 . Q So it's possible that Bud McFarlane on Friday
367 was inquiring of the State Department about notes that he
368 had heard about existing between--concerning the conversation
369 between him and Shultz--that he had heard about those
370 notes--the existence of those notes from Thompson or somebody
371 else as a result of your conversations on Thursday evening?

372 . A Oh, yes, and I fully--not only possible--I mean, I
373 have a strong sense that Paul Thompson--I mean, I fully
374 expected him to communicate these facts to North and
375 McFarlane--

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 16

376 . Q To see if that changed their story or--
377 . A Exactly.
378 . Q --or changed their recollection.
379 . A Exactly, exactly, exactly.
380 . Q So it wasn't like something that you wanted
381 hidden from them.
382 . A No, no. Not at that time; not at all. What I
383 wanted was the--a consistent recollection of the events by
384 all of the people who were players, and taking all the
385 information that had come from various sources and sharing
386 it with the people who had memories, or had some other basis
387 for having knowledge, was the--my obvious and first efforts
388 to try to clear up what, on the face of it, seemed like
389 different recollections or failures of recollections or
390 whatever.
391 . But I do not recall--I don't think that Sofaer
392 would have told me that McFarlane is trying to see the
393 Secretary of State prior to the time that I met with
394 McFarlane, so I don't--so I think that my supposition that
395 I've suggested earlier, that McFarlane knew about the notes
396 and probably knew--well, that McFarlane knew about the
397 existence of the notes, even while we were interviewing him,
398 notwithstanding his answers in no way suggesting that he
399 did, is not based upon knowledge that he was at that point
400 attempting to see the Secretary of State. I don't think I

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 17

401 knew that while we were interviewing McFarlane. I'm quite
402 confident that I didn't know it, but I do have the general
403 recollection that I came by that information not long
404 thereafter, probably very shortly thereafter, and I think
405 with the Secretary of State.

406 Q Let me direct your attention to the principal
407 reason why I asked you to come in today, and that is to
408 address certain questions that arise in connection with
409 Judge Sofaer's testimony, vis-a-vis his conversations with
410 Deputy Attorney General Burns--

411 A Uh-huh.

412 Q --on the 20th of November, 1986, and as I said
413 before, these were conversations that were not covered in
414 your public testimony, or at least, your knowledge of them
415 and your knowledge of the events relayed in them, and I
416 would like to ask you some questions on it.

417 Have you had an opportunity to read through the
418 deposition of Judge Sofaer that's been released?

419 A I have.

420 Q Okay.

421 I'd like to direct your attention to the page 37
422 area and then the area within there and let me focus in on a
423 few of the facts.

424 Judge Sofaer testified on page 38 that he called
425 Deputy Attorney General--he tried to reach the Attorney

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 18

426 General on the 20th and was unsuccessful, and that after
427 being unsuccessful, he called the Deputy Attorney General,
428 Arnold Burns, around 2:30 in the afternoon and left certain
429 information with him, and from looking at the structure of
430 the deposition, it appears that the information that he left
431 with Burns is that which he recounts earlier on page 37
432 between lines 14 to 19. And for the record, let me indicate
433 what that information, at least as he seems to indicate it
434 to have been.

435 He wanted to call the Attorney General to advise
436 him that the testimony of Casey that was anticipated the
437 next day contained information about a shipment allegedly of
438 oil-drilling bits and that he, Sofaer, did not believe that
439 statement, and that in Secretary Shultz' notes, which
440 Charlie Hill, his Executive Assistant, had a copy of, was an
441 indication of a shipment in November of Hawk missiles and
442 that McFarlane knew about it.

443 This seems to be what Judge Sofaer was
444 indicating he left as a message for Mr. Burns.

445 He then went on to testify that he heard back
446 from Mr. Burns and Mr. Burns indicated to him, sometime
447 around 3:15 on the afternoon of the 20th, and this is
448 indicated on page 38 of Judge Sofaer's testimony, that he
449 spoke with Judge--excuse me, with Deputy Burns and Deputy
450 burns indicated that he had conveyed this information I've

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 19

451 just described, and on page 39, he recounts that he conveyed
452 the information at about 2:30 to the Attorney General about
453 the November '85 shipment from Israel and about the CIA's
454 testimony concerning a White House urgent request for
455 assistance in that shipment and a White House/NSC denial of
456 such assistance.

457 Judge Sofaer then goes on to testify that Deputy
458 Attorney General Burns indicated to him that the Attorney
459 General had responded to that by stating that he had spent
460 the afternoon with Poindexter and Casey on Casey's testimony
461 and that he, the Attorney General, was fully aware of the
462 facts that had been mentioned by Sofaer to Burns and Burns
463 went on to say that the AG was profuse in his thanks for the
464 warning of Judge Sofaer and appreciated his motives, but
465 that he, the Attorney General, knew of certain facts that
466 explained all these matters and that laid to rest all the
467 problems that Sofaer might perceive.

468 And then Sofaer goes on to add that Burns said
469 the Attorney General did not give him, Burns, any facts and
470 that he, Burns, was simply passing on the mysterious--Sofaer
471 says this was a characterization that Deputy Burns
472 used--mysterious assurance that all was well.

473 Now, having focused your attention on that
474 series of events of statements, let me start off with this
475 point.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 20

476 . After the Attorney General left the meeting that
477 you attended with him at the White House, he was heading to
478 West Point, wasn't he, Mr. Cooper?

479 . A Yes, he was.

480 . Q And you, of course, stayed behind to meet with
481 Mr. Wallison at Mr. Wallison's request--

482 . A That's right.

483 . Q --and it was shortly thereafter that you learned
484 about because of Judge Sofaer's phone call which he
485 testifies to to Wallison's office, which he says he was
486 unsatisfied with Deputy Burns' response to him and that was
487 what prompted him to call Wallison and that's when you
488 learned about it.

489 . A Right.

490 . Q Now, from that point forward, when was the first
491 time you spoke with the Attorney General, to the best of
492 your recollection, on the 20th, regarding this conflict that
493 you now knew about and perceived to be on the horizon?

494 . A It would have been sometime around--well,
495 actually, my chronology, if you've got it, will best
496 reveal--it may well be that I talked to him prior to the time
497 I had a secure conversation with him, but it was only to
498 suggest that we have to have a secure conversation.

499 . Q Okay.

500 . A And, in fact, I don't think I made any other

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 21

501 arrangements with the AG on an open line, but rather, dealt
502 with Ann Rondeau, who is kind of his National Security
503 Advisor, or was, so it's possible that we had a conversation
504 over the phone prior to the time that we had our secure
505 conversation which took place, according to my notes, from
506 10:30 to around 11. But any such conversation we might have
507 had, and I don't think we did have one, would have been
508 designed for me to tell him it's imperative that we talk on
509 a secure line.

510 . Q Uh-huh.

511 . A I do know I said that to Ann Rondeau, and it
512 was--and that was probably about an hour and a half, maybe
513 even two hours before I ultimately did get through on a
514 secure line--

515 . Q Okay.

516 . A --because it was an extraordinary hassle to get a
517 secure connection to the AG at that time.

518 . Q Now, was it your impression when you reached the
519 AG finally over a secure line and you had an opportunity to
520 discuss with him the problems that you saw about the
521 testimony and the conflict between Shultz and McFarlane,
522 that he had already been briefed about those problems by
523 Deputy Burns?

524 . A No, it was not.

525 . Q It was not your impression?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 22

526 . A No, it was not. It was--my impression was quite
527 the contrary.

528 . Q Okay.

529 . Now, had--prior to your speaking to the Attorney
530 General over the secure phone about this matter, had Deputy
531 Burns or anyone in his behalf informed you that he, Burns,
532 had spoken with Sofaer about this problem?

533 . A I recall no such conversation and I have every
534 confidence that I would recall such a conversation.

535 . Q Do you recall Judge Sofaer, as he's testified,
536 indicating to you that he had spoken with Burns and was
537 unsatisfied with the answer Burns had given him?

538 . A I do recall Judge Sofaer mentioning to me that
539 he had talked with Burns and had raised his concerns or had
540 raised a concern. That is the extent of my recollection,
541 but it is certainly my recollection that Sofaer, in my
542 conversation with him, not when I was at Wallison's office,
543 but later when I was in my own office and we had our further
544 conversation, that he mentioned he had--that he had talked
545 earlier with Arnie.

546 . Q Okay.

547 . Did you, at some point, within the next day or
548 two, speak with Burns about these matters?

549 . A I don't think I've ever spoken--well, until the
550 last 24 hours--

UNCLASSIFIED

NAME: N1R182000

UNCLASSIFIED

PAGE 23

551 . Q Yeah.

552 . A --with Burns about what, if anything, he recalls

553 or did or anything else.

554 . Q You mean in terms of talking to Sofaer about

555 the--

556 . A Yes, exactly.

557 . Q Okay.

558 . And was that prompted by this deposition--

559 . A It was, indeed.

560 . Q --the Sofaer deposition?

561 . A Yes, it was.

562 . Q Okay.

563 . Now, going back to the Sofaer deposition again--

564 . A I had no idea until this deposition was

565 released, in fact, that Sofaer might have explained to Burns

566 what he explained to me.

567 . Q Now, according to Sofaer's recollection, Burns

568 characterized his--excuse me, not characterized--Burns stated

569 that the Attorney General had said to him, Burns, that he,

570 the Attorney General, 'knew of certain facts'--I'm quoting

571 now, that 'he knew of certain facts that explained all

572 these matters and that lay to rest all the problems that

573 I,' meaning Sofaer, 'might perceive,' and that's on page

574 39 of Sofaer's transcript.

575 . A Uh-huh.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 24

576 . Q Had the Attorney General ever indicated to you
577 that he was aware of certain facts that explained all these
578 matters and laid to rest all the problems that--
579 . A In my conversation with him?
580 . Q Has he ever--had he at that time ever indicated
581 to you that he--
582 . A No, of course not.
583 . Q Was it your impression when you talked to him
584 over the secure phone that the conflicts that you were
585 outlining to him and the Shultz position versus the
586 McFarlane position was something that he hadn't focused on
587 and didn't even really realize existed?
588 . A That is--I--that is precisely the case. He--he
589 recognized, as surely as I did, the conflict. I described
590 to him the whole background, everything that I'd found out
591 from Sofaer, and its irreconcilability with the information
592 that we had that had been developed in this meeting with
593 Poindexter--in Poindexter's office. Also that neither side
594 of this dispute would relent on their recollection of it and
595 that it seemed like a serious matter to me, fully
596 appreciated, and was in no way knowledgeable from any
597 indication I got from the secure phone call of any of the
598 facts that I was relating to him.
599 . Incidentally, I have noted in Mr. Sofaer's
600 deposition, which, incidentally, is in every respect, in

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 25

601 terms of its description of conversations with me and
602 exchanges that we might have had, comports with my general
603 recollection of those events.

604 . Q Okay.

605 . A And my recollection--I can recall that the public
606 testimony was refreshed by Ms. Naughton on a conversation
607 that I hadn't remembered that we had had, but sure enough, I
608 do recall it now and it is--largely as Judge Sofaer's
609 described in his deposition testimony.

610 . But he--he mentions something here about--at the
611 top of page 39 of the deposition--about the November 1985
612 shipment from Israel and one matter that he was concerned
613 about, about the CIA's testimony concerning a White House
614 urgent request for assistance in that shipment and the White
615 House/NSC denial of such assistance.

616 . Now, the only thing I have any recollection on
617 is the November 1985 shipment from Israel and the oil-
618 drilling element of that and the state of knowledge of U.S.
619 persons regarding what was on that plane. That was my sole
620 focus of attention. That was the only--I am not--I do not
621 understand now what Sofaer is referring to as he describes
622 the request for assistance and the NSC's denial that it
623 requested the assistance, although that may well be
624 something that Sofaer and I discussed, but I have no
625 recollection of that and its immediate significance.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 26

626 Certainly it did not occur to me then, and it still doesn't
627 occur to me. What did focus my attention was the
628 McFarlane/Shultz conversation.

629 Q Let me ask you this. With regard to the
630 characterization that the Attorney General--that Sofaer
631 recalls, the Deputy Burns characterization of the Attorney
632 General's response as being 'mysterious'--

633 A Uh-huh.

634 Q --had that ever been shared with you by Deputy
635 Burns or anyone that he felt that the Attorney General had a
636 'mysterious' explanation of events? Have you ever heard
637 that before, seeing the Sofaer deposition?

638 A No, I had not. I certainly have no recollection
639 whatever for it and that is something I would recall, I do
640 believe.

641 Q Now, the Attorney General was en route--he was
642 flying up to New York, was he not, from Washington, D.C., on
643 the 20th?

644 A He left--you know, I don't know what he did
645 between the time he left my presence--

646 Q Uh-huh.

647 A --and got to West point, but--

648 Q To West Point.

649 A --but it was my understanding when he left that
650 he was--he was leaving hurriedly--

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 27

651 . Q Uh-huh.

652 . A --to get up there.

653 . Q Is it--if--is it possible that if Burns reached

654 him in the time frame suggested by Judge Sofaer, sometime

655 prior to their 3:50 in the afternoon conversation, then

656 Burns had reached the Attorney General while the Attorney

657 General was en route, either in plane or in a car or

658 something?

659 . A That's entirely possible and I--I have no reason

660 to doubt that Sofaer's time estimates here are inaccurate.

661 In fact, I would place--he does reference it, he called into

662 Wallison's office around 4:00 and that's about when I would

663 place it.

664 . Q If Deputy Burns was trying to reach the Attorney

665 General while the Attorney General was en route, either in a

666 plane or in a car, would you say the likelihood was that if

667 he reached him, it was over an unsecure phone line?

668 . A I would that there's no--I just don't think there

669 are secure phones in the AG's car. I may be wrong on that,

670 but--

671 . Q How about on the planes that he would fly on, if

672 he could even be reached while in a plane?

673 . A Well, now, I take that back because the FBI,

674 when it travels with him, carries secure phone hookup--

675 . Q Okay.

UNCLASSIFIED

NAME: HIR182000

UNCLASSIFIED

PAGE 28

676 . A --but I don't think that is something they can
677 facilitate in the air or in the car and I doubt very
678 seriously it's something that--as I understand it, you have
679 to have the male and female part of these things and Burns
680 has a regular secure phone, so no, it's just clear to me
681 that if they did have their conversation telephonically--

682 . Q Uh-huh.

683 . A --it would have been over an open line, no doubt
684 about that.

685 . Q If that were the case, in light of the nature of
686 the type of thing that Burns would have wanted to have
687 conveyed to the Attorney General from Sofaer, is it likely
688 that he would have gone in an open line into that great a
689 description of the conflict, as you did when you did it over
690 a secure one?

691 . A Throughout this, Mr. Leon--well, in this little
692 involvement that we're discussing that Burns may have had in
693 this matter, he was, as I recall and as I know, a complete
694 blank check in terms of his own mental status--

695 . Q Uh-huh.

696 . A --and knowledge of what was going on in this Iran
697 thing or what I was doing or what the AG and I were doing at
698 that time. So the information that Sofaer would have given
699 to him, I have no doubt it might as well have been in a
700 different language in terms of the context that he had for

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 29

701 it, or in terms of his ability to appreciate its
702 significance.
703 Q So--
704 A Now, I don't know what Sofaer told him. I have
705 since talked with Abe and I know what Abe thinks he probably
706 told him, even though Abe does distinctly represent to me
707 that his--his--he would not have and did not go into anything
708 like the details with Burns that he went into with me.
709 Q Uh-huh.
710 A But--

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 30

711 RPTS TETER

712 DCMM TETER

713 2 I guess what I'm trying to get at here, Mr.
714 Cooper, is that it would appear, at first blush anyway, that
715 if Deputy Burns, as Judge Sofaer seems to recall, did have a
716 conversation with the Attorney General while the Attorney
717 General was en route to New York, it would appear at first
718 blush that there's a high possibility, maybe even
719 probability, that the conversation between Burns and the
720 Attorney General might have been over an unsecure line and,
721 hence, even more lacking in detail and more cryptic and,
722 hence, more prone to being misunderstood by the AG than it
723 would have been--the conversation you had with the AG over a
724 secure line later in the day.

725 A Oh, yes, and there's no doubt that the AG did
726 not perceive, in his conversation with Burns, what he
727 perceived in his conversation with me. But I can't tell you
728 why that may be or what it was that Mr. Burns precisely
729 communicated to the Attorney General.

730 But by the same token, I do want to elongate to
731 this extent. This response that Burns communicated back to
732 Sofaer does seem to me to be logical and a sensible response
733 if one realizes that the AG did not perceive that--the
734 significance of what I later shared with him.

735 2 Uh-huh.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 31

736 . A In other words, I--and I'm offering you here
737 speculation because I wasn't a party to any of these
738 conversations, and the parties to those conversations would
739 be the ones whose memories of them are most useful to you.
740 . Q Before you speculate--
741 . A Yeah.
742 . Q --let me ask you this: Did the AG, in your
743 conversation with him over the secure line, indicate to you
744 that he had already spoken with Burns about this problem or
745 that he had spoken with Burns at all about these matters?
746 . A No, not at all, and--at least nothing that I can
747 recall. There was no reference that I made to the fact that
748 it's my understanding that Burns and you have talked--
749 . Q In other words, you didn't tell the AG--
750 . A --nor--
751 . Q --what Wallison had told you, that he had spoken--
752 . A It was Sofaer who had told me
753 . Q --with Burns--excuse me, Sofaer had told you.
754 . A No, no. I don't recall having mentioned that.
755 That was the furthestest thing from my mind at the moment.
756 The thing on my mind were the things that I communicated to
757 him, and I do not recall him having mentioned to me in any
758 way that he had received information from Burns.
759 . Now, it's possible that he did, but it certainly
760 didn't leave an impression on my mind. Whatever the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 32

761 conversation was between Burns and the AG was quite
762 irrelevant, insofar as I was concerned. I had information
763 that I had to get to the AG and get action on, and it was
764 clear from my conversation with the AG that this was new
765 information to him, that he in no way, prior to our
766 conversation, perceived that we had an irreconcilable
767 conflict in recollections or accounts of an important event
768 in this whole matter.

769 I should also add that Mr. McGinnis was in the
770 room, the small room at the FBI, where I placed this secure
771 phone call and he heard every element, every word that I
772 said to the AG, though he obviously did not hear everything
773 the AG said to me, but he can recall no reference at all to
774 Arnie Burns in my conversation with the Attorney General.

775 And another thing that I've taken care to
776 reflect upon, as well as to inquire of Mr. McGinnis on is
777 whether I made any mention of the conversation, the snippet
778 of my conversation, with Sofaer in which the two of us
779 discussed resignation as a possible consequence of the
780 feared chain of events.

781 Q You didn't share that with the Attorney General?

782 A No, I didn't. I mean, I--

783 Q You didn't see any reason to, did you?

784 A Look, I didn't think about that again until such
785 time as individuals such as yourself and representatives of

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 33

786 Mr. Walsh's office began asking me about that conversation
787 and that is an element of it that I recalled then, but--and
788 McGinnis recalls it because he was in the room when I talked
789 with Sofaer, so he recalls my end of that resignation
790 conversation, but never again did I share that with anybody.
791 That wasn't a motivating influence on me in the slightest,
792 nor could it have possibly been a motivating influence on
793 the Attorney General. He never knew about that until the
794 recent media reports on that question.

795 Q In fact, you've testified, I believe, didn't
796 you, that you were proceeding on the belief, every belief on
797 Thursday evening that this problem wasn't going to come to
798 pass, that it was going to be straightened out and there
799 wasn't going to be this, you know, inaccurate testimony the
800 next day, and no need to resign the next day.

801 A Oh, I knew that certainly, and I did make points
802 to that effect with Sofaer earlier. I took our conversation
803 to be an entirely theoretical one. I mean, I'm sure that we
804 both meant what we said, but I knew it was entirely
805 theoretical because those events that he feared were not
806 going to transpire. I knew that with certainty. And I told
807 him that, that the AG will not let those events transpire if
808 there is a cloud over the accuracy of this information. And
809 I was right.

810 Q Okay, now. On page 45 of Abe Sofaer's

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 34

811 testimony, lines 11 to 13--

812 . A I'm sorry, page 45?

813 . Q Yes.

814 . A Yes.

815 . Q Judge Sofaer is testifying about his

816 conversation with you and he at one point is commenting that

817 he was asking you to follow up, so to speak, with the

818 Attorney General regarding the conversation Burns had told

819 him he had had with the Attorney General.

820 . To quote: "Make sure that the Attorney General

821 is not being sold a bill of goods." Do you have any

822 recollection of Judge Sofaer making that kind of comment to

823 you on the 20th?

824 . Page 45, line 11 to 13, lines 11 to 13. And to

825 put it in context, you might want to, for your own--before

826 answering it, you might want to start with page--I mean, line

827 2 on that same page, where he's asked a question about his

828 conversation with you and then he answers it and then he

829 gets to that point on line 11.

830 . [Pause.]

831 . THE WITNESS: Well, let me just take these

832 things in order here. I do note that on page 44, he does

833 describe a portion of our conversation that I well remember,

834 wherein we--I informed him that the testimony had only been

835 kind of bolstered in its inaccuracy in that it had gone from

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 35

836 no one in the CIA to no one in the USG knew about it, and
837 that whether or not the previous statement was accurate or
838 not, the modified, revised statement appeared quite clearly
839 that it was impossible that it could be accurate.

840 . And then he says that he asked if I'd spoken
841 with the Attorney General by then about this. I don't
842 recall him asking that question, and I don't recall if I
843 told him whether I had or not, although--oh, I'm certain that
844 if we had a conversation about that, I said, "No, I haven't
845 talked to the Attorney General about this," and I described
846 the whole background of this matter and my meeting to him as
847 I've described it to you all.

848 . So there's no question but what I hadn't talked
849 to the AG about this issue, and that that fact was, if not
850 specifically stated to Abe, was quite clearly the case by
851 virtue of my own reaction and my own assurances to him as to
852 how the Attorney General would receive this information.

853 . He may have well have--I do recall him
854 referencing to me that he had spoken with Arnie. I do not
855 recall him saying that he was disturbed by the answer that
856 he had gotten because I don't--I did not perceive that he had
857 outlined anything other than conclusions to Arnie. By that,
858 I mean I--you know, conclusions such as "I am very concerned
859 that there are statements in the Director's testimony that
860 are inaccurate or are in error." Not that he had displayed

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR182000

PAGE 36

861 to Arnie the evidence on which he based his conclusions, the
862 McFarlane/Shultz conversation, things that were very
863 important to me but would be meaningless to Arnie. He may
864 well have outlined the same evidence to Arnie that he did to
865 me. I just don't know, but I certainly didn't perceive that
866 was the case, I'm sure, in my conversation with Sofaer.

867 BY MR. LEON:

868 Q And you certainly knew that to the extent that
869 Burns was doing anything, he was nothing more than a
870 messenger who was relaying a message he had no knowledge the
871 background about or any specific understanding about.

872 A He was a very high-level messenger in this, yes.
873 He had no context, no knowledge.

874 I don't recall Sofaer suggesting that I follow
875 up, but he may well have done so. I do certainly know that
876 any such suggestion he made would have been superfluous. My
877 course of conduct was a course of conduct that I had begun
878 in Wallison's office when--as soon as Wallison got off the
879 secure line, turned to me and, in the presence of Thompson,
880 outlined the essence of this McFarlane/Shultz conversation.
881 I, in turn, turned to Paul Thompson and outlined a course of
882 conduct for him to undertake immediately and in the firmest
883 terms.

884 So my course was set immediately, and prior to
885 the time that Judge Sofaer may well have suggested that I,

UNCLASSIFIED

NAME: HIR182000

UNCLASSIFIED

PAGE 37

886 you know, try to do something about this. I was already
887 trying to do something about it.

888 Q Here's what I'm trying to get at, Mr. Cooper.
889 I, unfortunately, didn't have the opportunity, nor anyone
890 else on behalf of the minority, to be present at the
891 deposition of Judge Sofaer, and had I been, I would have
892 focused on this particular fact.

893 In giving the answer he gave here on page 45,
894 lines 11 to 13, that I've just pointed out to you, there is
895 an impression that could be drawn from these, and I assure
896 you we will endeavor to ask Judge Sofaer about this, but
897 there's an impression that you could draw from this that he,
898 Sofaer, was calling you in part because he was concerned
899 that Deputy Burns was selling the AG a bill of goods, and if
900 I had had a chance to ask Judge Sofaer that, I would have
901 asked him point blank, was that a concern of his or was it
902 the concern of him that a bill of goods was being sold to
903 the AG by McFarlane or Casey or somebody else?

904 Now, with that concern with mind, I want to ask
905 you this: Did you at any time ever get an impression from
906 Judge Sofaer that he, Judge Sofaer, thought that the Deputy
907 Attorney General of the United States was trying in some way
908 to sell the Attorney General a bill of goods or deceive him
909 in any way?

910 A Of course not.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 38

911 Q Good, I just want--
 912 A Of course not.
 913 Q --the record to be crystal clear on that.
 914 A Not only no, but heck no, that was never--
 915 Q Good.
 916 A --any--not until you have just suggested that has
 917 that even remotely entered my mind.
 918 Q Well, there are reporters--
 919 A What he was referring to--
 920 Q --who may draw those conclusions, and I don't
 921 want there to be any chance taken that--
 922 A Oh, my goodness--
 923 Q --that kind of thing might be--
 924 A Reporters, since the time I publicly testified,
 925 Mr. Leon--reporters have been drawing some conclusions
 926 that--that astonish and appall me and, you know, I would love
 927 another several hours with you to go line-by-line the
 928 various reports and accounts that I have read subsequent to
 929 my public testimony on this, to answer each and every one of
 930 these conclusions, but--
 931 Q I just want it to be crystal clear--
 932 A --but that one is--
 933 Q --that never was given to you.
 934 A No, it was never was, and--
 935 Q Good.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 39

936 . A --and the proposition is an absurd one.
937 . Q Good.
938 . A But it is quite clear to me that the other
939 hypothesis you suggested is correct; Sofaer did think that
940 the Attorney General and, therefore, I, were being sold a
941 bill of goods. I mean, I think that was a suspicion--
942 . Q By?
943 . A By all of those people who were providing us
944 information at that point.
945 . Q At the meeting on the 20th?
946 . A Uh--
947 . Q By Casey--
948 . A Yes, although I don't know that Sofaer knew that
949 meeting was taking place.
950 . Q Okay.
951 . A It's entirely possible that he did. I've been
952 impressed by the amount of information of events that occur
953 that comes to Sofaer and to the State Department, but--but he
954 didn't know from me that we were having that conversation,
955 although that evening, I told him that we had had that
956 meeting and that the statement "'No one in CIA'" was changed
957 to "'No one in USG,'" and he saw the significance of that,
958 obviously, as surely as I did.
959 . But no, Arnie Burns--it is just not conceivable
960 to me that Sofaer was attributing to Arnie Burns any such

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 40

961 enterprise.

962 Q Fine. I just want to make sure that that

963 inference--if someone should draw it, is totally without

964 factual basis from your perspective.

965 A None whatever.

966 Q Good.

967 A It's--it's an absurd hypothesis.

968 Q Okay. Just want to be clear for the record.

969 Now, one last point before I ask you two

970 questions that my colleague asked me to ask to you.

971 Judge Sofaer goes on, the next page, page 46, to

972 relay a conversation he had with Mr. Wallison. Obviously

973 that was between himself and Mr. Wallison, in which Judge

974 Sofaer recounts Mr. Wallison telling him words to the effect

975 that the President keeps getting deeper into this because

976 people operating in his name and that by people operating in

977 his name, Wallison was indicating Poindexter and North and

978 others were taking actions and taking actions without the

979 President's approval.

980 Did Mr. Wallison share with you those similar

981 sentiments?

982 A No. I do not recall having had another

983 conversation with Peter Wallison after I left his office on

984 the 20th that evening, late afternoon--

985 Q And do you have any knowledge of--

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 41

986 . A --you know, throughout this period of time, this
987 weekend flurry of activity.

988 . Q And do you--

989 . A Though I many times did talk with Sofaer off and
990 on.

991 . Q --and do you have any knowledge from any source
992 as to whether or not Wallison, upon learning about this
993 problem from Sofaer, and discussing it with you on Thursday
994 the 20th, in turn went to the Chief of Staff of the
995 President, Donald Regan, to discuss it with him and bring it
996 to his attention?

997 . A I don't know what course of action Peter
998 Wallison took.

999 . Q Okay.

1000 . A I have no idea.

1001 . Q Do you have any knowledge as to whether or not
1002 he, Wallison, was ever directed by the Attorney General or
1003 yourself or anyone at the Department of Justice, not to
1004 discuss it with Donald Regan or anyone else?

1005 . A Directed by whom?

1006 . Q To your knowledge, was Wallison at any time
1007 directed by the Attorney General or anyone else at the
1008 Department of Justice, not to discuss it with Donald Regan
1009 or anyone else?

1010 . A No, not to my knowledge. I don't think--I don't

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 42

1011 recall there having been any contact between Peter Wallison
1012 and the Attorney General during this period at all.

1013 Q So if Mr. Wallison didn't bring it to the
1014 attention of Donald Regan, it wasn't because he had been
1015 directed not to bring it to the attention of Donald Regan?
1016 As far as you know.

1017 A As far as I know, that is correct. I
1018 certainly--as I say, I don't think I had any other contact
1019 with Peter after I left his office that evening of the 20th.
1020 And I've never received even a hint of information that he
1021 may have been directed along the lines that you suggest by
1022 anybody.

1023 Q And I believe your testimony on Thursday last
1024 was that--that after hearing the Attorney General's account
1025 of the Attorney General's meeting with the President and
1026 Donald Regan on Friday morning, the 21st, the impression you
1027 got was that was the first time the President and Donald
1028 Regan had heard about this conflict when they heard it from
1029 the Attorney General?

1030 A Uh-huh, yes, that is--

1031 Q Okay.

1032 Now, Ms. Naughton, who had to leave, has asked
1033 me to ask you a couple of questions and let me put those to
1034 you.

1035 The first one is, what did Mr. Burns tell you

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 43

1036 recently about what he, Mr. Burns, told the AG and what he
1037 told Sofaer?

1038 . A Mr. Burns--and I spoke to him yesterday on this--
1039 . Q Uh-huh.

1040 . A --his recollection--initially, he had no
1041 recollection at all of a conversation with Judge Sofaer or,
1042 in turn, with the AG. His recollection, as we talked,
1043 seemed to become somewhat refreshed and he--it is my
1044 understanding that he does recall a conversation with Abe.
1045 He doesn't recall anything that Abe may have told him, but
1046 it is his view that whatever it is that Abe told him, he
1047 repeated to the AG shortly thereafter in haec verba. That's
1048 his formulation, not mine. He suggests that--and that
1049 obviously makes sense to me. He has no context or knowledge
1050 of these matters and so whatever concerns that Abe expressed
1051 as being important that the AG have, Arnie believes that he
1052 then repeated those in haec verba to the Attorney General.

1053 . Q Did he have any notes that he had kept to
1054 indicate the conversations back and forth between himself,
1055 Sofaer and himself and the Attorney General?

1056 . A He is confident that he did not, but he--but, you
1057 know, he could not state that with certainty, but he knows
1058 of no notes.

1059 . Q He didn't have any when you talked to him,
1060 certainly. He had--

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 44

1061 . A No.

1062 . Q --not located any?

1063 . A No, no, absolutely not, and I asked him if there

1064 might be some notes that could enhance his memory of the

1065 event and he did not think so.

1066 . Q Okay.

1067 . A But I'm sure that, to the extent he has any

1068 uncertainty on that at all, he is reexamining any files that

1069 he might have that would contain any such notes. He doesn't

1070 recall the Attorney General's reaction that is described in

1071 this deposition and he had reviewed this portion of the

1072 deposition--

1073 . Q Uh-huh.

1074 . A --and so, that is the state of my knowledge on

1075 this at the moment. I asked him, in fact, if he thought

1076 that his conversation with the AG would have been telephonic

1077 because it was not my understanding that the AG had stopped

1078 back by the Department--

1079 . Q Uh-huh.

1080 . A --before he went directly to the airport to go to

1081 West Point, and on that, he has no recollection, but that

1082 it--he believes it may well be that the AG did stop by and he

1083 had a conversation with him in person on this.

1084 . Again, in my conversation with Mr. Burns, he--he

1085 qualified his every point by noting that he has--at first, he

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 45

1086 suggested that he had no recollection of this at all and, as
1087 we got into it, he seemed to begin to have some very vague
1088 and hazy recollection of it beginning to return to him.

1089 Q Okay.

1090 Her second question was: What did the AG tell
1091 you recently, if you discussed it with him, about this
1092 series of conversations between himself, the AG and Burns
1093 and--

1094 A Yes.

1095 Q --himself and you?

1096 A Yes, yes. Let me just make clear for the record
1097 that I'd discussed this with Sofaer; I discussed it with the
1098 AG and I discussed it with Burns.

1099 Q Since your testimony last Thursday.

1100 A Since my testimony last Thursday, since the time
1101 that I've--

1102 Q First saw the deposition.

1103 A Exactly, and I discussed it with them at
1104 different times and separately--

1105 Q Uh-huh.

1106 A --and the AG does have a vague recollection of
1107 his conversation with Burns. He thought it was while he was
1108 on his way to the airport in the car--

1109 Q In the car.

1110 A --in the car.

UNCLASSIFIED

NAME: HIR182000

UNCLASSIFIED

PAGE 46

1111 Q On an unsecured line.

1112 A On an unsecured line, and that his recollection

1113 is that concerns, if they were--to the extent they were

1114 expressed in a conclusory way, and that he recalled that he

1115 had just--that he probably made the point that he had just

1116 finished an hour-and-a-half-long meeting with Poindexter and

1117 Casey and North and knowledgeable people, at which a number

1118 of factual matters were discussed, and in which what

1119 appeared to be the knowledgeable people were revising

1120 testimony. in order to accord with factual information, so

1121 he thought that any such concerns must relate to the matters

1122 that had already been addressed, raised and addressed by the

1123 people in that room, and that they were ironed out.

1124 Q And Burns wasn't focusing in their conversation

1125 specifically on the "'No USG involvement'"--

1126 A Oh, no.

1127 Q --insert that Colonel North was proffering at

1128 that--

1129 A He couldn't possibly have been. He couldn't

1130 possibly have been, because Sofaer wasn't even focusing on

1131 that. He didn't know until I told him that that statement

1132 had been--that the original statement, "'No one in CIA,'" had

1133 been changed to "'No one in USG.'" He was concerned about

1134 the accuracy of no one in CIA, so no, there was no possible

1135 reference to that specific statement, and of course, my

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 47

1136 whole reference with the AG later that evening was with
1137 respect to that specific statement, which the AG knew about
1138 and I knew about, but Burns didn't know about and Sofaer
1139 didn't know about.

1140 Now--well, so--so the AG's point is, as I
1141 understand it, or at least his recollection when I discussed
1142 the matter with him, was to recall in a vague way Burns'
1143 call to him or his communication with him--he thinks it was a
1144 telephone call--and that he, without specific references such
1145 as those that I had, suggested concerns that Abe has
1146 concerns, but the AG did not appreciate the basis for those
1147 concerns or obviously the seriousness of those concerns
1148 which he ultimately did when I discussed it with him and he
1149 assumed that any such factual problems would, in all
1150 likelihood, have been raised and disposed of in our meeting
1151 with Poindexter, and the matter seemed--when we left that
1152 meeting--let me just reiterate--when we left that meeting, you
1153 know, there were smiles on our faces because it seemed like
1154 everything was quite stable and on which--and that there were
1155 no apparent problems. We were all about a course of action
1156 that seemed entirely proper.

1157 Not until that evening, when I talked to the AG
1158 personally, did he--it is my firm impression that he had any
1159 serious basis on which to undertake the measures that we
1160 then immediately did undertake.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 48

1161 . Q And one last thing and I'll turn it over to my
1162 colleague, if he has any questions, just reiterating
1163 probably the obvious, but let there be no doubt about it,
1164 Judge Sofaer, in his deposition, makes it a point to explain
1165 how concerned he was that a cover-up might be on the
1166 horizon; that there might be a cover-up in the process, and
1167 how concerned he was about avoiding that and rooting it out.

1168 . Is it your testimony., Mr. Cooper, that you were
1169 just as concerned as he was and that the Attorney General
1170 was just as concerned as he was and that that's what you
1171 were endeavoring to avoid happening?

1172 . A It is my testimony., yes. I do think, however,
1173 there were differences in my state of mind and Abe Sofaer's
1174 state of mind at that point. He had seen these notes.

1175 . Q That's right.

1176 . A He had evidently discussed this matter with
1177 people who participated in that conversation--

1178 . Q The Hill notes, you're referring to?

1179 . A The Charlie Hill notes of the Shultz/McFarlane
1180 conversation. He had--these things were alleged to have
1181 taken place and alleged to exist to us. I did not--I did not
1182 question Abe's--in any way--Abe's statements on this, but he
1183 had actually seen the evidence--

1184 . Q Uh-huh.

1185 . A --of the Shultz/McFarlane conversation. We had

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 49

1186 | only heard about it, so his--I think his state of suspicion
 1187 | at that point, with reason, was considerably higher than
 1188 | mine was.

1189 | The one thing I knew with confidence, and which
 1190 | I was--I knew with confidence was that we had a serious
 1191 | collision in memories that was not--that the parties to the
 1192 | events were not going to and were not able to reconcile for
 1193 | me. And I certainly did entertain sensitivity to the
 1194 | prospect that one of the parties knew better, but I was
 1195 | reluctant to come to that conclusion, and certainly had not
 1196 | come to that conclusion at that time.

1197 | Q Okay. And it was that very thing that led the
 1198 | AG to go to the President the very next morning--

1199 | A Yes, it was.

1200 | Q --to extend an investigation?

1201 | A Yes, it was.

1202 | Q Absolutely.

1203 | Mr. Parry.

1204 | MR. PARRY: Could we go off the record for a
 1205 | second.

1206 | [Discussion off the record.]

1207 | MR. PARRY: Back on the record.

1208 | I have no questions for you, Mr. Cooper, but I
 1209 | would like to just supplement the record made by Mr. Leon
 1210 | with regard to the knowledge that both the Senate and the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 50

1211 House minority counsel were given of the Sofaer deposition.
1212 I've made inquiries since the public testimony, Mr. Cooper,
1213 and I've learned that neither the Senators primarily
1214 responsible for the examination of Mr. Cooper, nor the
1215 Senate staff counsel primarily responsible for preparing the
1216 Senators, were informed of the existence of the Sofaer
1217 deposition, its contents or that it was going to be made the
1218 subject of a line of questioning at the public testimony.

1219 THE WITNESS: I have--I have a few points.

1220 MR. LEON: Do you want it on the record?

1221 THE WITNESS: Yes, on the record, that I would
1222 like to make and one that I feel obligated to make because
1223 it is in the nature of a clarification of my public
1224 statement, my public testimony., and it relates to a line of
1225 questioning that Senator Sarbanes, as I recall, presented to
1226 me in the public testimony regarding the unlikelihood that
1227 so much excitement and urgency would have been generated by
1228 the November activity--by the November event or activity if,
1229 indeed, everybody believed that there were oil-drilling
1230 parts on that plane, and my recollection from my response
1231 was something to the effect that his point seems well-taken,
1232 it does seem unlikely now that he mentions it, but I did not
1233 recall having been struck by that at the time.

1234 I'd like to clarify my response because since
1235 then, John McGinnis has reminded me that--that at some point

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 51

1236 during the weekend and almost certainly after we had
1237 discussed--after the McFarlane interview had taken place,
1238 but--

1239 MR. LEON: Can we go off the record a second?
1240 THE WITNESS: Sure.
1241 [Discussion off the record.]
1242 THE WITNESS: We're back on the record?
1243 MR. LEON: Back on the record.
1244 THE WITNESS: Okay, in any event, I do recall
1245 my--my answer to Senator Sarbanes. John McGinnis has now
1246 improved the state of my recollection on this point, and
1247 indeed, he reminds me, and his recollection on this is quite
1248 superior to mine, but I am reminded that we had a
1249 conversation, he and I, about the proposition that the third
1250 country, [REDACTED] would have been adamant in its refusal,
1251 whether it really would have been adamant in its refusal to
1252 permit the plane to land if oil-drilling parts had been the
1253 only thing on the plane, so he--he recalls to my memory that
1254 we did have a conversation, he and I, to that effect.

1255 I don't recall any other conversations that
1256 focused specifically on that point, but there may well have
1257 been. It was a very secondary discussion or element of our
1258 brain-storming on this whole matter, but I did think it
1259 important and I did feel obligated to correct the state of
1260 the record on that point.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 52

1261 I also want to say that in reading Judge
1262 Sofaer's deposition, I note that he felt that it was very
1263 unlikely that the CIA would have--would have insisted on a
1264 finding should they ever be again involved in the shipment
1265 of oil-drilling parts to Iran. That is not a conclusion
1266 that I came to, because we also--this came to mind, I can
1267 recall, and--during the weekend, and we were quite satisfied
1268 that a finding would, indeed, have been required, whether
1269 there were Hawks or oil-drilling equipment on that plane.

1270 So it wasn't all that astonishing, the oil-
1271 drilling parts story--wasn't all that inherently incredible.
1272 First of all, we were given to understand that Iran's
1273 lifeblood was oil and that oil-drilling parts were very
1274 important--highly sophisticated oil-drilling parts were very
1275 important to Iran.

1276 Second of all, no matter what was on that plane,
1277 if it was a covert operation in which the CIA had some
1278 legally significant role, a finding would be required,
1279 Hawks, oil-drilling parts, you know, foodstuffs, no matter
1280 what, and finally, we also examined the question of whether
1281 or not oil-drilling parts were something that were
1282 prohibited to be exported to Iran and they are, or at least
1283 we came to the conclusion during that weekend that they
1284 were, no less prohibited than were Hawk missiles to Iran.
1285 The Export Administration Act has a list of prohibited items

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R182000

PAGE 53

1286 to certain countries, very similar to the Arms Export
1287 Control Act and the Munitions List, and oil-drilling parts,
1288 we concluded, are prohibited items to be exported to Iran
1289 without the appropriate governmental clearances.

1290 . Finally, I do know that in the aftermath of my
1291 public testimony, and there are many, many things I would
1292 clear up if the news reports were my standard, but they are
1293 not.

1294 . MR. LEON: We'll accept a letter if you'd like
1295 to send one to us.

1296 . THE WITNESS: Gosh, I've got too many things to
1297 do. You all know better than those news reports. I am
1298 confident of that. If I thought for a moment that this
1299 committee--that its inclinations were in the same directions,
1300 then, yes, I would--I would do whatever was necessary to
1301 clarify the committee's mind.

1302 . But in the aftermath of my public testimony,
1303 much has been made of the fact that Casey did not, in
1304 his--Director Casey did not, in his statement, make reference
1305 to the fact that Hawks were on that plane. Now, at all
1306 times in this, I was never under the impression that--that
1307 the ultimate fact that there were Hawks on that plane would
1308 in any way be concealed from the Congress. The only--there
1309 was no disagreement on the fact that, yes, there were Hawks
1310 on the plane; the only disagreement was who knew there were

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 54

1311 Hawks on that plane and when. That was the only thing we
1312 were addressing.

1313 And I--because this was a concern in my own mind,
1314 I asked the CIA for the transcripts of Casey's testimony, as
1315 well as the Qs and As. I do know that at least with respect
1316 to his Senate-side testimony that day, he acknowledged that
1317 there were Hawks on that plane. I think he was asked the
1318 question and the question was asked, I think, by Leahy, and
1319 it makes clear that Poindexter advised them that there were
1320 Hawks on that plane, but by the same token, Poindexter
1321 alleges, according to this particular Senator, that
1322 Poindexter did not know there were Hawks on that plane until
1323 the previous day. About that, I'm sure the committee's
1324 knowledge is superior to my own, but in any event, it does
1325 appear clear from the transcripts of the Q and A portion of
1326 the Intelligence Committee's inquiry, then, on November 21st
1327 the fact that there were Hawks on that plane did, indeed,
1328 come out and there was no--there was no failure by anyone to
1329 at least acknowledge that Hawks were on the plane.

1330 Finally, there is also in the transcript of his
1331 testimony at the end of each of his--at the end of his
1332 prepared statement, both in the House and in the Senate, he
1333 makes the point that he's confident that the facts that he's
1334 shared with them are accurate, but that our effort to
1335 discern the facts is ongoing and that when we learn new

UNCLASSIFIED

UNCLASSIFIED

NAME: MIR182000

PAGE 55

1336 facts that are of significance, they will be shared as well
1337 with the committees. That is a caveat that I can recall
1338 quite distinctly suggesting be added to his testimony on the
1339 morning when I visited Director Casey in his offices, and
1340 indeed, I can recall quite distinctly even scratching out a
1341 few lines to that effect on a sheet of paper. I've never
1342 seen that sheet of paper since, but the point is that even
1343 as we realized there were certain facts that were not
1344 being--were certain potential facts that were not being
1345 shared with the committees, such as that there's a dispute
1346 raging over who knew what about these--what exactly was on
1347 these planes, this plane in November, it was very important
1348 to indicate that the state of our knowledge was incomplete
1349 and that we're undertaking to improve it and that the
1350 Congress will be made--the state of its knowledge will be
1351 improved as soon as the state of our own knowledge is
1352 improved and we can make factual statements in which we have
1353 confidence, and Director Casey did indeed take that advice
1354 and he did indeed make those statements to both committees.
1355 . Beyond that, I am satisfied now with the state
1356 of all the records in this matter.
1357 . MR. LEON: Mr. Cooper, I know I speak for our
1358 committee and I think I speak for the Senate Committee when
1359 I tell you how grateful we are that you found some time in
1360 your very hectic schedule to come out here today. I regret

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR182000

PAGE 56

1361 | that the circumstances unfolded as they did last week such
1362 | that we had to do this this week, and I regret that we
1363 | hadn't had the opportunity to iron all of this out in the
1364 | deposition last week, but because of the circumstances,
1365 | which have already been detailed on the record, we didn't,
1366 | and in light of the fact that you're now embroiled in
1367 | helping advise the Attorney General and the President on a
1368 | new Supreme Court appointment to replace Justice Powell, I
1369 | know how precious these minutes are to you and we Thank you
1370 | very much for giving us this time in your hectic schedule.
1371 | We wish you the very best.
1372 | THE WITNESS: I appreciate those remarks, and it
1373 | is my pleasure once again. Let me know if I can be of any
1374 | further assistance to you. thank you.
1375 | MR. LEON: thank you.
1376 | MR. PARRY: thank you.
1377 | [Whereupon, at 12:05 p.m., the deposition was
1378 | concluded.]

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(NEW Odd PG)

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JSC-1
3-29-81
7/26/86

- ✓ McE
- ✓ Schalte
- ✓ Spokin
- ✓ Ollie North
- Pain
- Cap
- V-P
- Pres.
- Regan
- Corey

J 7694

Any legal problems

Are there other facts that would raise in problems.

Chas. I have reviewed the chronology and made additions and amendments. One other question: On Nov. 20 at 7:30 you say that Thompson conveyed information that McFarlane stood by his account. I thought Thompson said that Goinster was trying to ~~phone~~ call McFarlane to confirm his account. At 11:00 you called Goinster who said he was not able to call McFarlane.

1274

Partially Declassified/Released on 23 June 1997

under provisions of E.O. 12356

by B. Reed, National Security Council

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- 1 7695 Chronology Investigation (per Cor. memory)
- Nov 7 ~~7~~ Friday - at Mgt. Meeting
 Meese mentions need for legal work in connection w/ Iran.
- Nov ~~12~~ 12 Meets w/ Poin, Thompson -- see Finding
- Nov 13 (?) Pres. address to ~~the~~ Nation; CTC Memo to AG
- Nov. 17 (?) Receive draft chronology from NSC - (Thompson)
- Nov 19 ~~Meets w/ Meese~~ Pres. Press Conference
- Nov. 20 1:30 - 3:00 meeting in Poin office w/ Casey, North, Gates, A.G., Thompson, CTC re ~~the~~ preparing for Casey testimony & Poin informal briefing.
- ± 3:30 - 5:45 - meet w/ Wallison, Thompson, learn from Abe that some inaccuracies in NSC chronology & ∴ in Casey proposed testimony
- ± 6:30 - 7:00 phone conversation w/ Abe -- admission of existence of notes of Schultz McF. discussion on Nov 18, 85 "Hawks." stick by their own
- ± 7:30 - 8:30 Paul Thompson advised of discrepancy & later repts that N. & M.
- ± 10:30 - 11:00 Secured phone call to AG in West Point re what I had learned. A.G. decides to come back; instructs me to contact CIA/ Casey & delete inaccurate statements from testimony.
- 11:00 - ^{11:00} Call to Ponder who said he had not been able to talk to Meese

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11:00 - CTC calls Dave Doherty + advises to meet
~~at delete~~ No one in U.S.G. sentence.
 Doherty already had.

Nov 21

8:00 - 8:30 CTC meet w/ Casey, Doherty re
 discrepancy. Review testimony re Nov. 85 evc
 and make some minor revisions.

± 9:00 - 10:00 Meet w/ A.G., WBR, Annic (?), John
 Richardson.

11:30 AG meets w/ Pres., Regan

12:30 Lunch w/ A.G., John R., Brad, Bolton (?)

3:30 - 5:45 Meet w/ McFarlane, A.G.

~~some~~

Nov 22

± 8:00 - 9:00 Meet w/ A.G., George Schultz, Chas. H.
 at State Dept.

10:00 - 10:30 Meet AG, Brad, John R., in AG. office.

Lunch at Ebbitt Grill - AG, CTC, Brad
 J.R. -- Brad informs of Contra memo.

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over was
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 let AG
 testimony
 testimony

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2:00 - 3:30

~~3:00 - 4:30~~

Meet w/ A.G., Spokin,

5:400

phone call w/ Dave Doherty to set up
meetings w/ Ed. Dietel, and 2 guys
from Ops Div.

6:00-7:30

Meet w/ Dave Doherty, Ed Dietel, George
Jamerson, [REDACTED] John McGinnis

7:30-8:30

Meet w/ Dave Doherty, Jamerson, McGinnis,
[REDACTED]

8:30-8:45

Telephone conference w/ [REDACTED]
George Jamerson.

Nov. 23, 1986

9:00

~~8:30-10:00~~ Meeting w/ Chas. Allen, George Jamerson, Dave
Doherty, John McGinnis

9:45-1:00

GC meeting with Casey, Chas. Allen, Dave
Doherty with George

9:30-11:00

John McG. interviews Dewey Clarridge, (I ask a
few questions).

12:30-1:30

Meet w/ AG, Brad, J.R.

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1 1078

1 200 - 5:45

Meet w North, AG, Brad, J.R.

6:00 - 6:45 Meet w/ AG, Brad, J.R.

Mon. Nov. 24.

9:00 - 10:15 - Meet w/ Abe, Chas. Hall.

10:20 - 11:30 - AG meets w/ McF.

11:30 - 11:30 - AG meets w/ Pres. - Ryan, separate
Prin; + V.P.

2:00 - 3:45 - CTC + Brad meet w/ Tom Green

3:00 - - ASP's meeting

Evening - dinner with John McG. ^{illegals and} ~~Nicaragua~~ ^{possible crim list re} ~~revelation~~This ?
occurred
on Tues. 3:45 - 5:30 - Meet w/ Wald, Richards, McG., A.L.T.
potential criminal list.5:45 - 7:00 - Meet w/ AG, Trott, Wald, Cribbs, Brad
J.R.Yes, on Tuesday
3:00Evening
Tues. Nov. 25 - phone conversation w/ Susan Crawford re-
ation of TOWs, etc. (also re 1508 T
in stock). This may have happened on Tue7:45 CTC + J.R. accompany Mease to W.H.T.
meet w/ Don Regan, Peter Wallison, Dennis T.
etc. Review Bd is proposed by Regan.

8:15 - 9:30 CTC meets w/ Wallison & Thomas to d

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J 7699

Presidential statement.

9:30 - 10:30 Meeting w/ Pat Buchanan, Speaker, Thomas Wallis
CSC, J.R., etc. to review presidential statement.

11:30 - Pres. makes statement.

11:35 - 12:45 A.G. holds press briefing.

1:30 - ~~2:30~~ Meet w/ Cribb, Brad, J.R., Bolton (lunched in
Cribb's office) re status.

~~2:30~~ 3:00

~~4:00~~ 4:00

Meet w/ A.G., Brad, Trott, Walster, J.R.,
Cribb, Burns, Bolton(?). A.G. asks for
examination of possible crim. liab. and orders
that NSC does be frozen. Directs Burns
to instruct Wallison

3:30 - 7:00 See Monday

7:00 - 8:30 Meet w/ Brad, John McG., Susan Crawford
and various people from DOO/Ann
Re Economy Act transfers to CIA &
methods of valuation.

[At some point Tues. evening -- I think; may have
been Mon. -- Casey called me to ask if I
have run across "Lakeside Resources" in an
inquiry. I said I vaguely recalled some such referen

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Wed. Nov. 26

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J 7700

~~3:30 - 5:35~~

Meeting with investigative team.

5:50 - 7:00

Conference call (secure) with John McMahon, George Tamm, Ed Dietel, John McG.

7:45 - 10:30

Interviewed by 2 FBI agents; provided copies of NSC chronology (all versions); edited version of insert for Casey testimony re Nov. Hawk episode.

Friday Nov. 28

± 9:00 p.m. FBI agent calls re other docs -- in safe -- advised to call B. Kathy / Harris Sat a.m.

Sat. a.m.

FBI got docs in safe.

Monday

5:00 p.m.

- Met with FBI for status rpt.; gave notes after meeting.

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U.S. Department of Justice

DATE

Office of Legal Counsel

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Office of the
Assistant Attorney General

Washington, D.C. 20530

CJL 42
6-25-87

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Statutes Relevant to Recent Actions
with respect to Iran

The statutes most directly bearing on the legality of the recent missions to and transactions with Iran are the following: the Hughes-Ryan Amendment, the congressional reporting provisions of the National Security Act, and the Arms Export Control Act. Based on our understanding of the facts, we believe that the recent actions with respect to Iran, including the transfer of arms to Iran by the CIA, do not violate the Hughes-Ryan Amendment or the National Security Act. Moreover, under the executive branch's prior interpretation of the Arms Export Control Act, this Act is inapplicable to the arms transfers to Iran. (S)

Hughes-Ryan Amendment. The Hughes-Ryan Amendment to the legislation authorizing the operations of the Central Intelligence Agency was passed in 1974 in response to revelations of covert CIA operations. The Amendment, as amended in 1980, provides (22 U.S.C. 2422):

No funds appropriated under the authority of this chapter or any other Act may be expended on behalf of the Central Intelligence Agency for operations in foreign countries other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States. Each such operation shall be considered a significant intelligence activity for the purpose of section 413 of title 50.

Because the President made the appropriate finding, the Hughes-Ryan Amendment does not prohibit the use of CIA funds for the transfer of arms to Iran. (S)

Congressional Oversight Provisions of the National Security Act. In 1980 the National Security Act of 1947 was amended to provide for congressional oversight of "significant anticipated intelligence activities." This section now provides (section 501 of the National Security Act, 50 U.S.C. 413(a)) (emphasis added):

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To the extent consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States involved in intelligence activities shall --

(1) keep the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives . . . fully and currently informed of all intelligence activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States, including any significant anticipated intelligence activity, except that (A) the foregoing provision shall not require approval of the intelligence committees as a condition precedent to the initiation of any such anticipated intelligence activity, and (B) if the President determines it is essential to limit prior notice to meet extraordinary circumstances affecting vital interests of the United States, such notice shall be limited to the chairman and ranking minority members of the intelligence committees, and the majority and minority leaders of the Senate

Section 501(b) of the National Security Act applies to those situations in which the President fails to give prior notice under section 501(a) :

The President shall fully inform the intelligence committees in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given under subsection (a) of this section and shall provide a statement of the reasons for not giving prior notice.

Section 501 of the National Security Act does not contemplate that prior notice of "intelligence activities" will be given in all instances. Subsection (b) of section 413 makes specific provision for situations in which "prior notice was not given under subsection (a)." Because subsection (a) includes situations in which the President provides notice to the full intelligence committees under subsection (a)(1)(A) and situations in which he provides prior notice restricted to designated

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members of Congress, including the chairmen and ranking members of the House and Senate intelligence committees under subsection (a)(1)(B), it seems clear that subsection (b) contemplates situations in which no prior notice has been given under either of these provisions. This interpretation is confirmed by a colloquy between Senators Javits and Huddleston, who were on the committee that drafted this provision. Senator Javits asked: "If information has been withheld from both the select committee and the leadership group (as section 501(b) envisages), can it be withheld on any grounds other than 'independent constitutional authority' and, if so, on what grounds?" Senator Huddleston answered: "Section 501(b) recognizes that the President may assert constitutional authority to withhold prior notice of covert operations, but would not be able to claim identical authority to withhold timely notice under section 501(b). A claim of constitutional authority is the sole grounds that may be asserted for withholding prior notice of a covert operation." 126 Cong. Rec. 17693 (June 28, 1980) (emphasis added).

Moreover, the preamble to the provision makes clear that disclosure is required only when such disclosure is consistent with the President's constitutional duties. Accordingly, the President is not required to make disclosures when he is acting in a situation in which he is employing his inherent foreign affairs powers. As the President made clear in his televised address to the Nation this evening, the primary purpose of the recent actions with respect to Iran was diplomatic. The "intelligence activities" involved in the Iran matters consisted of, inter alia, negotiations with a foreign sovereign, of which the arms transfers were an integral part, and attempts to gain information relating to Americans captured abroad. These intelligence matters were inextricably intertwined with and essential to the President's foreign policy goals. We therefore believe that the President was acting at the height of his inherent power in foreign affairs. In United States v. Curtiss-Wright, 299 U.S. 304 (1936), the Court made clear that the President has plenary power over negotiations with foreign powers:

In this vast external realm [of foreign affairs] with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations."

The Court in Curtiss-Wright also quoted approvingly George Washington's message to Congress in which he refused to give the

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House of Representatives documents relating to negotiations over the Jay Treaty, characterizing the refusal as one "the wisdom of which was recognized by the House itself and has never since been doubted." 299 U.S. at 320.¹ Accordingly, given the strength of the argument that Congress cannot require the President to make disclosures concerning negotiations with foreign governments even after they are completed, the argument that he cannot be forced to make disclosures during the pendency of sensitive negotiations is particularly compelling. (S)

Second, we believe that a good argument can be made that section 501 of the National Security Act does not require disclosure of information in particularly sensitive circumstances, even if the President is not acting in a manner that implicates his inherent constitutional powers in foreign affairs. The preamble to Section 501 qualifies the requirements of the provision not only by reference to constitutional authorities, but also by reference to the need to keep certain national security information secret. President Carter, in his signing statement for the Intelligence Authorization Act of 1981, stated the understanding on the basis of which the bill received executive approval (emphasis added):

It is noteworthy that in capturing the current practice and relationship, the legislation preserves an important measure of flexibility for the President and the executive branch. It does so not only by recognizing that there are circumstances in which sensitive information may have to be shared only with a limited number of executive branch officials, even though the congressional oversight committees are authorized recipients of classified information. Circumstances of this nature have been rare in the past; I would expect them to be rare in the future.

¹ As quoted in Curtiss-Wright, 299 U.S. 320-321, President Washington said:

The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers.

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President Carter seems to have contemplated that there would be instances in which the President would restrict information even when there was no constitutional basis for doing so. Cutting against this interpretation of section 501, however, is the previously quoted colloquy between Senators Javits and Huddleston in which Senator Huddleston suggests that "[a] claim of constitutional authority is the sole grounds that may be asserted for withholding prior notice of a covert operation." 126 Cong. Rec. 17693 (1980). Because we believe that the President was acting in a manner that implicates his inherent powers, we need not now decide the question of whether the National Security Act permits the President to withhold prior notice on other than a constitutional basis.

Arms Export Control Act. The Arms Export Control Act places a number of restrictions on the export of arms executed under its authority, including:

- 1) Sales must be made only to countries with respect to which the President has found that such sales will strengthen the security of the United States and promote world peace (22 U.S.C. 2753(a)(1));
- 2) The articles must be sold only for use for legitimate purposes and the recipient country must agree to use the arms only for legitimate (e.g. self-defense) purposes (22 U.S.C. 2753 (a)(2));
- 3) A report of the proposed sale of major defense equipment valued at \$14 million or more must be submitted to Congress (22 U.S.C. 2776(b)).
- 4) As of August 26, 1986, no arms may be exported to countries that the Secretary of State has certified as supporting terrorism. See Section 509 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986. (The Secretary of State has certified that Iran supports terrorism).

The Department of Justice, however, has previously concurred in the conclusion of the Department of State that the Arms Export Control Act is not the exclusive authority for transferring arms to foreign countries and that arms may be transferred outside the context of that statute. See Letter from William French Smith to William J. Casey (Oct. 5, 1981). In the case considered by Attorney General Smith the government relied on the CIA's authority under Section 102(d) of the National Security Act in transferring arms to a foreign country for the primary purpose of achieving certain intelligence objectives. Section 102(d) provides that it shall be the duty of CIA, under NSC direction, to perform services of common concern for the benefit of existing intelligence agencies and to perform "such other functions and duties relating to intelligence affecting the national security

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as the National Security Council may from time to time direct.² We understand that the arms transfer to Iran had an intelligence objective among its objectives. Accordingly, under prior precedent, section 102(d) of the National Security Act furnishes authority for the President's action, and the restrictions of the Arms Export Control Act do not apply. (S)

We therefore believe that the Department of Justice can successfully rebut arguments that the actions with respect to Iran violated either the congressional reporting provisions of the National Security Act or the requirements of the Arms Export Control Act.



Charles J. Cooper
Assistant Attorney General
Office of Legal Counsel

² We understand that the President informed members of Congress of this transaction pursuant to the section 501 of the National Security Act.

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Office Note

SUBJECT: Background and Chronology of Special Project

BACKGROUND: The USC has actively sought the release of American hostages held in Iran through various channels since 1984. In addition, the USC has been interested in getting the Government of Iran to moderate its support for international terrorism. As it became clear that some of the hostages were being held by the pro-Iranian faction of the Hizballah, it was felt that the Iranian Government might be able to put pressure on the Hizballah to release its hostages.

In late 1984, Michael Ledeen approached the NSC to discuss contacts with Iran and suggested the NSC work with Israeli officials who already had contacts with Iran based on their covert arms deals with that country. Ledeen met with Prime Minister Peres who agreed to help and introduced Ledeen to David Kinche and Jacob Miradi, two other Israeli officials. These two Israelis, in turn, introduced Ledeen to Manucher Ghorbanifar, an Iranian arm merchant operating in Europe who was actively involved with the Israelis. Ledeen introduced Ghorbanifar to NSC officials. Ghorbanifar appeared to be well tied in with various factions within the Iranian Government and he served as the intermediary between the NSC and the Iranians.

In June 1985, the Hizballah hijacked TWA flight 847 and Iranian Majlis Speaker Rafsanjani played an important role in resolving that incident, which included the release of a number of Lebanese Shi'a held by Israel.

Throughout 1985 NSC contacts with Ledeen, Ghorbanifar, and the Israelis continued. In summer 1985, NSC ~~and~~ officials first met Amir Mir, an Israeli official on Peres' staff who was to become the principal Israeli contact in NSC dealings with Ghorbanifar and the Iranians.

In early September 1985, the CIA was asked by the NSC to ~~due to the~~ imminent release of an American hostage. The NSC informed the CIA that Ghorbanifar and ~~the~~ were involved.

On 10 September 1985, Reverend Weir was released by the Hizballah. At the same time, the Israelis, at NSC behest, delivered 508 TOW missiles to Iran. Since the Iranians would not pay for the TOW missiles until they were delivered, and since the NSC was instructed not to use any USG funds for the operation, Ghorbanifar used his contacts with Saudi financier Adnan Khashoggi to come up with \$5 million USD to pay for the

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TOW missiles. The NSC agreed to provide the Israelis with 500 TOW missiles to replace those they provided for the operation. The aircraft carrying the TOW missiles delivered them to Tabriz but had problems during the return flight which forced a technical stop [redacted] before returning to Israel.

On 3 October 1985, the Hizballah announced they [redacted] killed hostage Buckley, though later debriefings of released hostages indicate he probably died in early June 1985.

In November 1985, as the next step in the operation, the NSC arranged for Israel to send 10 [redacted] HAWK missiles to Iran. However, the Israelis neglected to remove the Israeli markings from some of the missiles. This oversight, plus the fact that the Iranians had been led to expect they would be receiving [redacted] HAWK missiles, led to a huge disagreement which caused further developments to grind to a halt.

B. In December 1985, McFarlane left the NSC and Poindexter ordered Ladeen out of the operation and made Ollie North directly responsible for dealing with Gorbaniyar [redacted]. On the Israeli side, Miradi was replaced as the primary contact by Amiran Nir.

In January 1986, the President approved the operation to work with the Iranians for the release of hostages in return for military equipment. The CIA [redacted] asked to provide logistical and operational support.

B. In early 1986, contacts with Gorbaniyar serving as a go-between to [redacted] continue.

In mid- February, the NSC delivers 1000 TOWs to Iran.

B. In March 1986, Gorbaniyar [redacted] met with the NSC in Germany. The NSC are given a list of spare parts for HAWK missile batteries and radars requested by the Iranians. CIA then works with select number of DOD officials to obtain the spare parts. It is agreed that the spare parts plus more TOW missiles will be delivered to Iran at the successful conclusion of a meeting between NSC officials and Iranians in Tehran.

To provide the US with the money for the spare parts and TOW missiles, Gorbaniyar must again finance the deal. He raises 16 million dollars which is passed to the US, with the expectation that the Iranians will, in turn, pay him once the items have been delivered. Gorbaniyar again works with

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Khashoggi to raise the money from several Canadian, American, and Arab investors.

On 22 April 1986, a U.S. Customs Service "Sting" Operation in Switzerland under the State Department's "Operation Staunch" disrupts a large on-going Iranian arms procurement deal being run by Gorbaniyar. This deal was unrelated to the NSC operation. Gorbaniyar is arrested by the Swiss, but released after 24 hours. Gorbaniyar loses the money he and Khashoggi put into that particular operation, funds probably raised from the investors for the NSC operation.

On 15 May 1986, Gorbaniyar finally comes up with sufficient funds for the next step of the NSC operation and a meeting is arranged to take place in Tehran.

On 22 May 1986, Hawk missile spare parts are picked from Kelly AFB and flown to Israel and the US team departs for Europe.

On 23 May, a second aircraft picks up 508 TOW missiles and flies to Israel.

On 24 May the US team goes to Israel where Nir joins them for the trip to Tehran. The Team departs for Tehran. They bring along some of the Spare Parts to show the Iranians their good faith.

On 25 May, the US team arrives in Tehran and holds meetings with the Iranians. However, the meetings do not go well, probably because the Iranian factional consensus is falling apart. The second aircraft load of spare parts is recalled while on its way to Iran and returns to Israel. The US team departs after five days, having made no progress.

6. In June and July 1986, talks with Gorbaniyar and [REDACTED] continue and it is decided that the Iranians must show their good faith by forcing the Hizballah to release another hostage. In July Gorbaniyar goes to Lebanon and Syria in an effort to get Father Jenko released.

On 26 July 1986, Father Jenko is released.

On 3 August 1986, the remainder of the Hawk spare parts that have been collected are delivered to Iran. The spare parts are picked up at Kelly AFB and flown to Iran via Israel.

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(MAXIMUM Version)U.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGES

From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in that critical part of the world and to try and reestablish a constructive working relationship. Even before President Reagan came to office the U.S. Government agreed to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. When the secret November 1, 1979 meeting in Algiers, between Brzezinski and Prime Minister Bazargan, became public, radical elements in Tehran forced the ouster of the Bazargan government. That episode has influenced subsequent Iranian willingness to engage in any direct contact with the USG.

Despite ^{of actual activities: involved in as far as normal relations.} ~~Iranian reluctance to enter into a relationship with the USG~~ our strategic interests in the Persian Gulf mandate persistent efforts on our part to try to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- ~~Cuba, Jordan, Morocco, Israel, South Africa, and the United States.~~ Even Iraq continues to have diplomatic relations with Iran.

Iran, the key to a region of vital importance to the ^{West} ~~US~~, is increasingly threatened by growing Soviet military and political influence along its borders and inside its country. The increasing desperation brought on by the costs of the Iran-Iraq war further exacerbates Iran's vulnerability to growing Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran, have made reopening a strategic dialogue increasingly important. Of particular importance in this context has been a need to more effectively monitor Soviet activities in the region and, if possible, to re-establish our electronic surveillance capability along the Soviet border.

Since 1983, various countries have made overtures to the U.S. and Iran in an effort to stimulate direct contact.

Despite U.S. willingness to proceed, none of these overtures ^{has} succeeded.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in arranging the release of our citizens held hostage in Lebanon.

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Under provisions of E.O. 12958
by 2. Page, National Security Council.

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In 1985, a private American citizen was approached by a representative of the Israeli government, who reported that they had established a liaison relationship with an Iranian expatriate in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the officials involved, he indicated that his "sponsors" in Tehran could also help to resolve the American hostage situation in Beirut.

The Israelis analyzed this intermediary's background exhaustively in order to validate his legitimacy. This analysis led them to have extremely high confidence in his standing and genuine relationship to the highest Iranian officials. Based largely upon the Israeli evaluation and in recognition of the clear U.S. interest in a dialogue that might, over time, lead to the moderation of Iranian policies, in 1985, the U.S. established an indirect contact with the Iranian intermediary, through the private U.S. citizen and a senior Israeli official. These contacts were established through the National Security Council staff with the full knowledge of appropriate Cabinet officers. From the very first meeting with the Israelis and the Iranian, it was emphasized that the USG could not proceed with direct contact unless Iran renounced terrorism as an instrument of State policy.

In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, the four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities. Speaker of the Majlis, Rafsanjani, in his speech on November 4, 1986 for the first time publicly acknowledged his role in this matter.

In September of 1985, the Israelis advised that they were close to achieving a breakthrough on the hostage situation and would proceed unless we objected. It is important to note that the U.S. had long been aware of Israeli efforts to maintain discreet contact with Iran and to provide Iran with assistance in its war with Iraq. Despite long-term U.S. efforts to convince the Israelis to desist, Israel continued to provide limited military and industrial technology to Iran. The USG judged that the Israelis would persist in these secret deliveries, despite our objections, because they believed it to be in their strategic interests.

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On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, the Special Envoy of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnappers.

Shortly after Reverend Weir's release, the U.S. acquiesced in an Israeli delivery of military supplies (500 TOWs) to Tehran. U.S. acquiescence in this Israeli operation was based on a decision at the highest level to exploit the existing Israeli channels with Tehran in an effort to establish an American strategic dialogue with the Iranian government.

Throughout the remainder of 1985, the USG maintained contact with the Iranian expatriate. A number of meetings were conducted in Europe including NSC, CIA, Israeli, and Iranian representatives. From the outset, the U.S. side sought to arrange a direct meeting with high-level Iranian officials. In December, 1985, the National Security Advisor met with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At this meeting, Mr. McFarlane stated that our goals were as follows:

- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure the territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

He made clear that any such dialogue could not develop without the prior release of U.S. hostages. He also made clear that we could not engage in trading arms for hostages.

In January, 1986, the President approved a covert action finding directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. The escalation of tensions with Libya, including the April 14 strike, prevented further dialogue from taking place until the Iranians contacted the intermediary (Gorbanifar) in late April, 1986. At that point, the Iranian expatriate advised us that the leadership in Tehran was prepared to commence a secret dialogue with the United States along the lines of our established goals. We believe that the Iranians were stimulated to renew the contact by the murder of hostage Peter Kilburn by Libyan authorities, allegedly in retaliation for the U.S. raid on Libya. The Iranian expatriate told the NSC and CIA officers, who met with him, that the Iranians did not wish to be accused of any culpability in Kilburn's death.

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On May 15, the President authorized a secret mission to Tehran by former National Security Advisor ~~McFarlane~~, accompanied by a CIA officer, members of the NSC staff, and the Israeli and Iranian interlocutors. In order to ensure operational security, the trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (HAMM spare parts). At the specific request of Iranian, alias foreign documentation was obtained from the CIA.

In the course of this four-day visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a further relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidentially approved Terms of Reference, which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan) through dialogue.

The Iranians emphasized that the U.S. embargo on hardware paid for by the Shah was, for them, the most significant deterrent to improved relations. Mr. McFarlane concluded the visit by summarizing that notwithstanding Iranian interest in carrying on with the dialogue, we could not proceed in light of their failure to exert their influence to cause the release of the hostages.

On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 24, Father Lawrence Jenco was released in the Bekka Valley and found his way to a Syrian military checkpoint. On August 3, a payload of electronic parts for Iranian anti-aircraft defenses (HAMM missile sub-components) arrived in Bandar Abbas (from Israel).

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In early August, the contact with the Iranian expatriate began to focus exclusively on the willingness of the USG to provide military assistance to Iran in exchange for hostages and we sought to establish different channels of communication which would lead us more directly to pragmatic and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (NGEN Richard Secord, USAF [Ret.]) acting within the purview of the January Covert Action Finding, made contact in Europe with a relative [redacted] of a senior Iranian official (Rafsanjani). In early September, discussions were initiated in Washington with this close confidant of the man judged to be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided intelligence designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war.

Through August, September, and October, further meetings were held in Europe between U.S. and Iranian representatives. During these sessions, the U.S. side consistently insisted that the release of the hostages was a prerequisite to any progress. The Iranians, for their part, urged that we take a more active role in support of the Afghan resistance and suggested that, if we would provide TOW weapons to Iran, they would train and equip Afghan resistance fighters with these weapons. The Iranians also proffered, and the U.S. accepted, the offer of a Soviet F-7E tank. As a further demonstration of U.S. good faith, Israel provided Iran with an additional increment (500 TOW missiles) of these defensive weapons on October 19.

Soon thereafter, the moderate faction in Iran prevailed over more radical elements to use their influence over the Hizballah, enabling the November 2 release of David Jacobson. Jacobson's release was assisted by the efforts of Terry Waite, who was on-scene in Beirut when it occurred.

The persistent U.S. effort to establish contact with Iran has intensified a power struggle in Iran between moderate elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a highly fabricated version of the McFarlane mission in his November 4 address to the masses. Moderate Iranian political leaders now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The

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(Maximum Version)U.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGES

From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in that critical part of the world and to try and reestablish a constructive working relationship. Even before President Reagan came to office the U.S. Government agreed to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. In the fall of 1979, the U.S. undertook three secret missions to Tehran:

-- September 1979

-- October 1979

-- October-November 1979

normalization of relations:

discussed

When these meetings and the secret November 1, 1979 meeting in Algiers, between Ayatollah Khomeini and Prime Minister Bazargan, became public in Iran, they precipitated the takeover of the U.S. Embassy by radical elements and led to the resignation of the Bazargan government. These events have adversely influenced Iran's subsequent willingness to engage in any direct contact with the USG.

Despite mutual difficulties involved in re-establishing normal relations, our strategic interests in the Persian Gulf mandate persistent efforts on our part to try to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- Egypt, Jordan, Morocco, Israel, South Africa, and the United States. Even Iraq continues to have diplomatic relations with Iran.

Iran, the key to a region of vital importance to the West, is increasingly threatened by growing Soviet military and political influence along its borders and inside its territory. Over the course of the last two years, the Soviets and their surrogates have moved actively to gain influence in the Gulf:

-- The Soviets believe that once Khomeini dies, they will have an excellent opportunity to influence the formation of a government in Tehran which serves Soviet strategic interests in the area.

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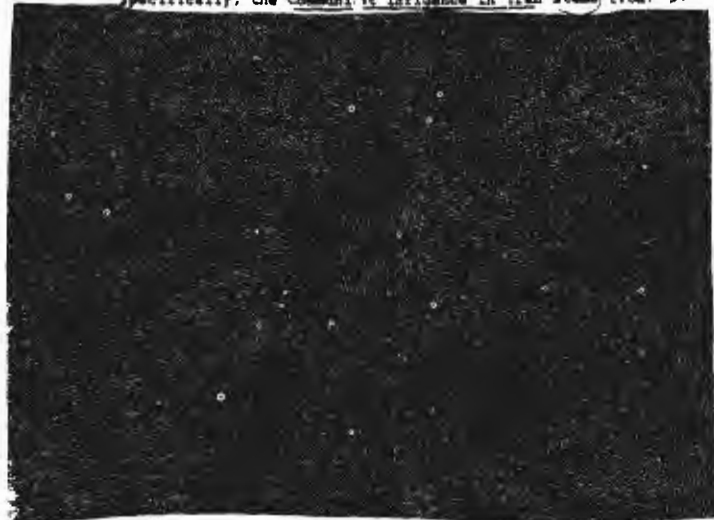
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under provisions of E.O. 11652
by Defense Intelligence Agency

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-- Communist nations have become principal arms suppliers to Iran -- making Iran dependent on this source of supply in contending with an increasingly threatening Iraq. This leads us to the conclusion that the Soviets may well be attempting to pursue their own revolution in Iran. That is, by fueling both sides in the conflict, the Soviets could well encourage a disastrous "final offensive" by Iran that would precipitate a political disintegration in Iran, leaving a power vacuum which the Soviets could exploit. Specifically, the Communist influence in Iran stems from:



The increasing desperation brought on by the costs of the Iran-Iraq war has exacerbated Iran's vulnerability to Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran from Afghanistan have made reopening a strategic dialogue increasingly important.

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In short, the Soviets were far better positioned to significantly improve their influence in the region in 1985 when we were presented with an opportunity to open a dialogue with Iran. In deciding to exploit this opening, we evaluated previous efforts through more conventional channels which had not succeeded.

Since 1983, various countries have made overtures to the U.S. and Iran in an effort to stimulate direct contact.

About two years ago, senior Iranian officials apparently decided that some accommodation with the U.S. was necessary. However, internal splits and debates made it difficult for them to respond to these overtures.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in establishing contact in Iran or in seeking Iranian assistance in the release of our citizens held hostage in Lebanon.

In 1985, a private American citizen (Michael Ledeen) was approached by a representative of the Israeli government (David Kimche), who reported that they had established a liaison relationship with an Iranian expatriate (Manuchehr Ghorbanifar) in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the officials involved, he (Ghorbanifar) indicated that his "spies" in Tehran could also help to resolve the American hostage situation in Beirut.

The Israelis analyzed this intermediary's background exhaustively in order to validate his legitimacy. This analysis led them to have extremely high confidence in his standing and genuine relationship to the highest Iranian officials. Based in large part upon the Israeli evaluation and in recognition of the clear U.S. interest in a dialogue that might, over time, lead to the moderation of Iranian policies, the U.S. established an indirect contact with the Iranian intermediary in mid-1985, through the private U.S. citizen and a senior Israeli official. These contacts were established through the National Security Council staff with the full knowledge of appropriate Cabinet officers. From the very first meeting with the Israelis and the Iranian, it was emphasized that the U.S. could not proceed with direct contact unless Iran renounced terrorism as an instrument of state policy.

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In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities.

Speaker Rafsanjani, who was travelling in the mid-east at the time, and Iranian Foreign Minister Velayati both intervened with the captors. Rafsanjani, in his speech on November 4, 1985, for the first time publicly acknowledged his role in this matter.

In September of 1985, the Israelis advised that they were close to achieving a breakthrough in their contact with Iran and would proceed unless we objected. It is important to note that the U.S. had long been aware of Israeli efforts to maintain discreet contact with Iran and to provide Iran with assistance in its war with Iraq. Despite long-term U.S. efforts to convince the Israelis to desist, Israel continued to provide limited military and industrial technology to Iran. The USG judged that the Israelis would persist in these secret deliveries, despite our objections, because they believed it to be in their strategic interests.

On August 22, 1985, the U.S., through the U.S. citizen intermediary, acquiesced in an Israeli delivery of military supplies (508 TOWs) to Tehran. We were subsequently informed that the delivery had taken place at the end of August, though we were not aware of the shipment at the time it was made. U.S. acquiescence in this Israeli operation was based on a decision at the highest level to exploit existing Israeli channels with Tehran in an effort to establish an American strategic dialogue with the Iranian government.

On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, the Special Envoy of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnappers.

On October 4, 1985, Islamic Jihad announced that it had "executed" Beirut Station Chief William Buckley in retaliation for the October 1 Israeli air raid on PLO installations in Tunis. This announcement led to a series of meetings in Europe among the U.S. (CIA and NSC), Israeli, and Iranian intermediaries. In these meetings, the Iranians indicated that, while their ability to influence the Hizballah was waning, the Hizballah had not killed

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Buckley; he had in fact died several months earlier of natural causes. We have since substantiated this information in debriefs of Father Jenco and David Jacobson, both of whom indicate that Buckley probably died on June 3, 1985 of pneumonia-like symptoms.

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In late November 1985, the Israelis, responding to urgent entreaties from the Iranians, provided 18 basic SAMX missiles to Iran in order to improve the static defenses around Tehran. The Israeli delivery of SAMX missiles raised U.S. concerns that we could well be creating misunderstandings in Tehran and thereby jeopardizing our objective of arranging a direct meeting with high-level Iranian officials. These missiles were subsequently returned to Israel in February 1986, with U.S. assistance. On December 6-8, 1985, the National Security Advisor met (in London) with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At this meeting, Mr. McFarlane stated that our goals were as follows:

- Devising a formula for re-establishing a strategic relationship with Iran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure the territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

Mr. McFarlane made clear that a Western dialogue with Iran would be precluded unless Iran was willing to use its influence to achieve the release of Western hostages in Beirut. He also made clear that we could not and would not engage in trading arms for hostages.

On January 9, 1986, the President approved a covert action finding directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. In accord with extant statutes, the President directed that the Director of Central Intelligence refrain from reporting the finding to the appropriate committees of the Congress until reasonably sure that the lives of those carrying out the operation (both U.S. and foreign) would not be in jeopardy.

On February 3-7, U.S. officials (NSC and CIA) and a representative of the Israeli Prime Ministry (Miran Mir) and a senior-level Iranian official

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[redacted] met in Germany. At this meeting, the Iranians agreed that, if the USG would provide TOW weapons to Iran, they would, in turn, provide same to the Afghan Mujahideen. The U.S. agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

- The Iranian intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would covertly obtain materiel authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using the procedures stipulated above, funds were deposited in the CIA account in Geneva on February 11, 1986 and on February 14 1,000 TOWs were transported to Israel for pre-positioning. The TOWs were off-loaded and placed in a covert Israeli facility.

On February 19-21, U.S. and Iranian officials (NSC and CIA) met again in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced on the morning of February 20 and completed in two transports to Tehran on February 21.

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

[redacted]

The escalation of tensions with Libya, leading up to the April 14 strike, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the

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effort in late April, 1986. At that point, the Iranian expatriate advised us that the leadership in Tehran was prepared to commence a secret dialogue with the United States along the lines of our established goals. We believe that the Iranians were stimulated to further the contacts by the May 17 murder of Herbert Peter Ellsberg, a CIA employee, in retaliation for the U.S. raid on Libya.

The Iranian expatriate told the NSC and CIA officers, who met with him in Europe at the end of April, that the Iranians did not wish to be accused of any culpability in Ellsberg's death.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, the President authorized a secret mission to Tehran by a CIA annuitant, CIA communications officer, and the Israeli and Iranian intelligence services. In order to ensure operational security, the trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defense systems (HAWK spare electronic parts). At the specific request of the Iranians, alias foreign documentation obtained from the CIA.

In the course of the four-day (May 25-29) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidential approval Terms of Reference (Tab A), which had been reviewed and approved by appropriate Cabinet officers, Mr. McFarlane emphasized that our interest in Iran transcended the group philosophically aligned detention of hostages by a Lebanese. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;

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- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan) through dialogue.

During these meetings, both sides used the opportunity to detail the obstacles to implementing a strategic relationship between the two countries. In addition to the points noted above, Mr. McFarlane emphasized the political problems caused by Iranian involvement in the hostage issue. The Iranians objected to the USG embargo on U.S. military supplies already paid for plus the continued USG blocking of Iranian assets in the U.S., even after U.S. courts had ruled in their favor. During the course of these meetings, the Iranian officials admitted that they could not win the war, but were in a dilemma in Tehran over how to end the conflict given the need to present an Iranian "victory" before it could be concluded. They emphasized that the original aggressor, Saddam Hussein, must be removed from power in order for the war to end. Mr. McFarlane concluded the visit by summarizing that notwithstanding Iranian interest in carrying on with the dialogue, we could not proceed with further discussions in light of their unwillingness to exert the full weight of their influence to cause the release of the hostages.

On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 26, Father Lawrence Jenco was released in the Bekka Valley and found his way to a Syrian military checkpoint. On August 3, three pallets (less than 4 plane-load) of electronic parts for Iranian anti-aircraft defenses (BANK missile sub-components) arrived in Tehran (from Israel).

In early August 1986, the contact with the Iranian expatriate began to focus exclusively on the willingness of the USG to provide military assistance to Iran in exchange for hostages and we sought to establish different channels of communication which would lead us more directly to pragmatic and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (NAME) Richard Secord, USAF (Ret.) acting within the purview of the January Covert Action Finding, made contact in Europe with [redacted] of a senior Iranian official (Rafsanjani). With the assistance of the CIA, this Iranian [redacted] was brought covertly to Washington for detailed discussions. We judged this effort to be useful in establishing contact with a close confidant of the man judged to

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be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided intelligence designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war. ~~the intelligence~~

Through August, September, and October 1986, numerous additional meetings were held in Europe between U.S. representatives and the new and Iranian contacts. During the October 26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranian ~~side~~ urged that we take a more active role in support for the Afghan resistance.

The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 ~~at this meeting~~. At this meeting, [redacted] stated that there was a "very good chance that another American or two would be freed soon." On October 29, with U.S. acquiescence, Israel provided Iran with an additional increment (500 TOW missiles) of these defensive weapons.

Late on October 31, [redacted] called the U.S. citizen (Nakim) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of American -- David Jacobsen -- and an uncertain number of French hostages. He further noted that this was part of the purpose of the Iranian Foreign Minister's visit to Syria. [redacted] stated that the situation in Tehran, as well as Iranian influence over Hizballah were both deteriorating.

On November 2, David Jacobsen was given to a point near the old American Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy officer to West Beirut to pick up Mr. Jacobsen.

It is now apparent that persistent U.S. efforts to establish contact with Iran have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a highly fabricated version of the May 1986 Rafsanjani mission in his

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November 4 address to the masses. Moderate Iranian political leaders apparently now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The revelations in Tehran regarding the McFarlane mission are demonstrable evidence of the internal power struggle. The October 1986 arrest of radical leader Mehdi Hashemi, a close confidant and son-in-law of Ayatollah Montazeri, for acts of terrorism and treason has caused further internal conflict. Resolution of the Lebanon hostage situation is also complicated by waning Iranian influence in Lebanon due in part to financial constraints and the fact that the Lebanese are expanding their contacts with more radical Hizballah elements.

Despite these internal difficulties and attendant publicity in the Western media, the Iranians continue to maintain direct contact with the USG and met again in Geneva on November 9-10 with USG and CIA representatives.

It is important to note that since the initiation of the USG contact with Iran there has been no evidence of Iranian government complicity in acts of terrorism against the U.S. We believe that the September-October kidnappings of Messers. Reed, Cicippio, and Tracy were undertaken in an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the moderate faction with which we have been in contact.

Contrary to speculative reports that these hostages were taken in order to stimulate the acquisition of more arms, they were most likely captured in order to prevent the very rapprochement with Iran we are seeking.

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Throughout this process, the USG has acted within the limits of established policy and in compliance with all U.S. law. The shipment of 2,008 TOWs and 235 g AMX missile parts was undertaken under the provisions of a cover action Finding. *509 precedes the Finding*

In support of this Finding and at the direction of the President, the CIA provided the following operational assistance:

- Sterile overseas bank accounts for financial transactions.
- A secure transshipment point for the dispatch of U.S. military items from the U.S.
- Transshipment of military items from the U.S. to Israel.
- Communications and intelligence support for the meetings with Iranian officials and the McFarlane trip to Tehran in May.
- Cleared meeting sites in Europe for meetings with Iranian officials.
- Alias documentation for U.S. and foreign officials for meetings in Europe and Tehran.

The weapons and materiel provided under this program are in no way adequate to alter the balance of military power nor the outcome of the war with Iraq. They have, however, demonstrated the U.S. commitment to Iranian territorial integrity. Further, U.S. efforts over the last 18 months have had tangible results on Iranian policy:

- The Rafsanjani/Vela: 8847 passengers (June 1985).
- Iranian direction that the hijacked Pan Am 73 *would* leave Karachi *from* Iranian territory *if it left Karachi*.

- The release of three American and two French hostages.

It should also be noted that West European nations at the U.S. arms embargo notwithstanding have provided \$300 million a year in military equipment to Iran. Most of these transfers were accomplished with government knowledge and/or acquiescence.

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All appropriate Cabinet Officers have been apprised throughout. The Congress was not briefed on the covert action finding due to the extraordinary sensitivity of our Iranian contacts and the potential consequences for our strategic position in Southwest Asia. Finally, our efforts to achieve the release of the hostages in Lebanon must continue to rely on discreet contacts and intermediaries who cannot perform if they are revealed.

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From Paul Thompson

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NO DATE

Sept. '85 - arms sent Isr. → Iran, replenished after finding
 apparently 3 shipments
 at most, 2000 antitank - (Tows) in total
 some made after Aug. 27, 1986 (when Arms Export Control Act
 was amended).

500 replenish Tows to Israel

DoD → CIA → proprietary (non-CIA) → Israel → IR

Paul ^{summary} says ^{act} total value less than

Dane - CIA - GC

In Jan., Weinberger looked at legal issue & was satisfied.
 - so did ~~the~~ Meese, presumably.

Declassified/Released on 10 Feb 88
 under provisions of E.O. 12356
 by the National Security Council

Re Sept -
 note the lang. in Arms Export Control Act & use of term
 "would" - would Pres. have approved of
 sale by govt. (Isr) to a prohibited
 country (Iran).

Is there any significance to fact

5203

The arms transferred were not among the arms that were suspended
 per Ex. Order (which had been previously approved by Cong) & ∴ could
 have been sent by Pres if Ex. Ord. were (even implicitly).

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(Historical Chronology)U.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGES

From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in this critical part of the world and reconstruct a working relationship. Even before President Reagan came to office the U.S. Government agreed to try to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. In the fall of 1979, the U.S. undertook three secret missions to Tehran:

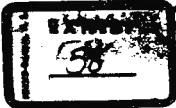
- September 1979 - [REDACTED] (met secretly with Bazargan at the request of the Iranian)
- October 1979 - [REDACTED]
- October-November 1979 - [REDACTED] (discussed normalization of relations)

When these meetings and the secret November 1, 1979 meeting in Algiers, between Brzezinski and Prime Minister Bazargan, became public in Iran, they helped precipitate the takeover of the U.S. Embassy by radical elements and led to the resignation of the Bazargan government. These events have adversely influenced Iran's subsequent willingness to engage in any direct contact with the USG.

Despite mutual difficulties involved in re-establishing normal relations, our strategic interests in the Persian Gulf mandate persistent efforts to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- Egypt, Jordan, Morocco, Israel, South Africa, and the United States. Even Iraq continues to have diplomatic relations with Iran.

Iran is the key to a region of vital importance to the West, yet it is increasingly threatened by growing Soviet military power and political influence along its borders and inside its territory. Over the course of the last two years, the Soviets and their surrogates have moved actively to gain greater influence in the Gulf:

- The Soviets believe that once Khomeini dies, they will have an excellent opportunity to influence the formation of a government in Tehran that serves Soviet strategic interests in the area.

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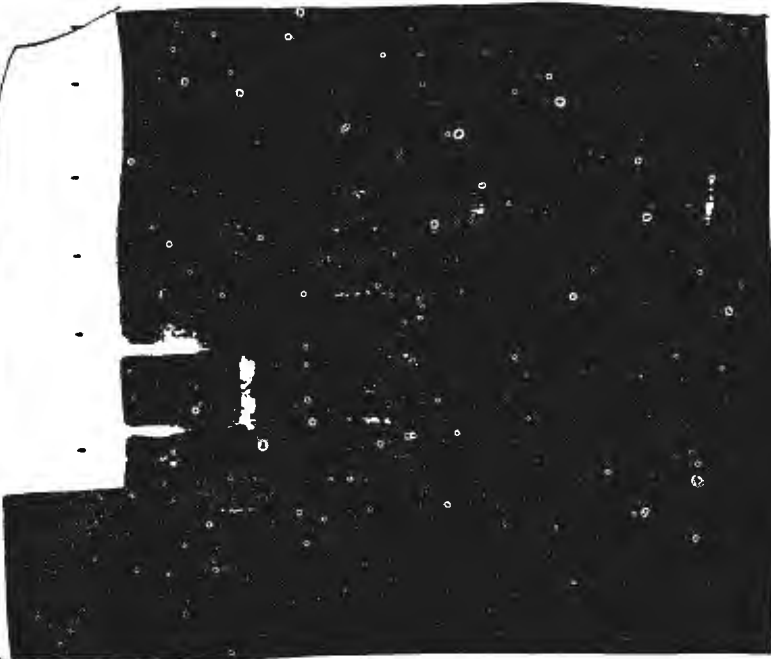
Partially Declassified - Reason on 5 MAY 87
Under provisions of E.O. 12065
Excluded from automatic downgrading and declassification

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-- Communist nations have become the principal arms suppliers to Iran -- making Iran dependent on this source of supply in contending with an increasingly strengthened Iraq. This leads us to the conclusion that the Soviets may well be attempting to pursue their own revolution in Iran. That is, by fueling both sides in the conflict, the Soviets could well encourage a disastrous "final offensive" by Iran that would precipitate a political disintegration in Iran, leaving a power vacuum which the Soviets could exploit. Specifically, the indicators of Communist influence in Iran are:



The increasing desperation brought on by the costs of the Iran-Iraq war has exacerbated Iran's vulnerability to Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran from Afghanistan have made reopening a strategic dialogue increasingly important.

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In short, the Soviets were far better positioned to improve significantly their influence in the region in 1983 when we were presented with an opportunity to open a dialogue with Iran. In deciding to exploit this opening, we evaluated previous efforts through more conventional channels which had not succeeded.

About two years ago, senior Iranian officials apparently decided that some accommodation with the U.S. was necessary. Since 1983, various countries have been engaged in overtures to the U.S. and Iran in an effort to stimulate direct contact between the two countries. [REDACTED]

Turkey have all attempted to serve as interlocutors in this [REDACTED] However, internal splits and debates made it difficult for the Iranians to respond to their overtures.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in establishing contact in Iran or in seeking Iranian assistance in the release of our citizens held hostage in Lebanon. [REDACTED]

In the spring of 1985, a private American citizen (Michael Ledeen) learned from an Israeli government official (David Kimche) that the Israelis had established a liaison relationship with an Iranian expatriate (Manuchehr Ghorbanifar) in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the Iranian officials involved, he (Ghorbanifar) indicated that his "sponsors" in Tehran could also help to resolve the American hostage situation in Beirut.

In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities. [REDACTED] Speaker Rafsanjani, who was travelling in the mid-East at the time, and Iranian Foreign Minister Velazati both intervened with the captors. Rafsanjani, in his speech on November 4, 1986, for the first time publicly acknowledged his role in this matter.

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On July 3, 1983, during a visit to Washington, an Israeli official (Kimche) advised National Security Advisor, Robert McFarlane, that Israel had established a channel of communication with authoritative elements in Iran who were interested in determining whether the United States was open to a discreet, high-level dialogue. The Iranians were described as comprising the principal figures of the government (i.e., Speaker of the Majlis Rafsanjani, Prime Minister Musavi, and Khomeini's heir-apparent, Ayatollah Montazeri) and as being devoted to a reorientation of Iranian policy.

At this first meeting, McFarlane went to great length to draw out the Israeli as to why he found the Iranian proposal credible, given the events of the past six years. The Israeli replied that their exhaustive analysis had gone beyond the surface logic deriving from the chaos and decline within Iran and the degenerative effects of the war, to more concrete tests of the willingness of the Iranians to take personal risks. He noted that the Iranians had exposed themselves to possible compromise by meeting with Israelis and by passing extremely sensitive intelligence on the situation (and political ~~make-up~~ within Iran -- information which ~~was~~ proven valid.

The Israeli asked for our position on opening such a dialogue. No mention was made of any pre-conditions or Iranian priorities. McFarlane conveyed this proposal to the President (in the presence of the Chief of Staff). The President said that he believed such a dialogue would be worthwhile at least to the point of determining the validity of the interlocutors. This decision was passed to the Israeli diplomat by telephone on July 30.

added by OLR?
added?

On August 2, 1983, the Israeli called again on McFarlane. At this meeting, he stated that he had conveyed our position to the Iranian intermediary and that the Iranians had responded that they recognized the need for both sides to have tangible evidence of the bona fides of the other and that they believed they could affect the release of the Americans held hostage in Lebanon.

added

According to the Israeli, the Iranians separately stated that they were vulnerable as a group and before having any prospect of being able to affect change within Iran they would need to be substantially strengthened. To do so, they would need to secure the cooperation of military and/or Revolutionary Guard leaders. Toward this end, they expressed the view that the most credible demonstration of their influence and abilities would be to secure limited amounts of U.S. equipment. The Israeli asked for our position on such actions.

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*McF
Memo*

Ms. McFarlane elevated this proposition to the President at a meeting within days that included the Secretaries of State and Defense and the Director of Central Intelligence. The President stated that, while he could understand that assuming the legitimacy of the interlocutors, they would be quite vulnerable and ultimately might deserve our support to include tangible materiel; at the time, without any first hand experience in dealing with them, he could not authorize any transfers of military materiel. This was conveyed to the Israeli.

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On August 22, 1985, the Israeli diplomat called once more to report that the message had been conveyed and that an impasse of confidence existed. He asked what the position of the U.S. Government would be to an Israeli transfer of modest quantities of defensive military materiel. McFarlane replied that to him, such an action would represent a distinction without a difference. The Israeli diplomat explained at great length that Israel had its own policy interests that would be served by fostering such a dialogue in behalf of the U.S., but that a problem would arise when ultimately they needed to replace items shipped. He asked whether Israel would be able to purchase replacements for items they chose to ship. McFarlane stated that the issue was not the ability of Israel to purchase military equipment from the U.S. -- they had done so for a generation and will do so in the future -- but rather the issue was whether it was U.S. policy to ship or allow others to ship military equipment to Iran. The Israeli asked for a position from our government. McFarlane elevated the question to the President (and to the Secretaries of State and Defense and the Director of Central Intelligence). The President stated that, while he could envision providing materiel support to moderate elements in Iran if all the Western hostages were freed, he could not approve any transfer of military materiel at that time. This position was conveyed to the Israeli diplomat.

On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, Special Envoy of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnappers.

*30 AUG 7.
McF
Memo*

In late September, we learned that the Israelis had transferred 508 TOW missiles to Iran and that this shipment had taken place in late August. The Israelis told us that they undertook the action, despite our objections, because they believed it to be in their strategic interests. The Israelis managed this entire operation, to include delivery arrangements, funding, and transportation. After discussing this matter with the President, it was decided not to expose this Israeli delivery because we

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wanted to retain the option of exploiting the existing Israeli channel with Tehran in our own effort to establish a strategic dialogue with the Iranian government. The total value of the 508 TOWs shipped by Israel was estimated to be less than \$2 million.

On October 4, 1985, Islamic Jihad announced that it had "executed" Beirut Station Chief William Buckley in retaliation for the October 1 Israeli air raid on PLO installations in Tunis. This announcement led to a series of meetings in Europe among the U.S. (CIA and NSC), Israeli, and Iranian intermediaries. In these meetings, the Iranians indicated that, while their ability to influence the Hizballah was waning, the Hizballah had not killed Buckley; he had in fact died several months earlier of natural causes. We have since substantiated this information in debriefs of Father Jenco and David Jacobson, both of whom indicate that Buckley probably died on June 3, 1985 of pneumonia-like symptoms.

In mid-November, the Israelis, through a senior officer in the Foreign Minister's office (Kimche), indicated that the Government of Israel was convinced that they were nearing a breakthrough with Iran on a high-level dialogue. The Israeli contacted a U.S. official (North) and asked for the name of a European-based airline which could discreetly transit to Iran for the purpose of delivering passengers and cargo. He specifically noted that neither a U.S. carrier nor an Israeli affiliated carrier could be used. We were assured, at the time, that the Israelis were going to "try oil drilling parts as an incentive," since we had expressed so much displeasure over the earlier TOW shipment. The name of the proprietary [redacted] was passed to the Israeli, who subsequently had the aircraft chartered through normal commercial contract for a flight from Tel Aviv to Teheran, Iran, on November 25, 1985. The Israelis were unwitting of the CIA's involvement in the airline and the airline was paid at the normal commercial charter rate (approximately \$127,700). The airline personnel were also unwitting of the cargo they carried.

→ In January, we learned that the Israelis, responding to urgent entreaties from the Iranians, has used the proprietary aircraft to transport 18 Hawk missiles to Iran in an effort to improve the static air defenses around Tehran. Our belated awareness that the Israeli's had delivered Hawk missiles raised serious U.S. concerns that these deliveries were jeopardizing our objective of arranging a direct meeting with high-level Iranian officials. As a consequence of U.S. initiative and by mutual agreement of all three parties, these missiles were returned to Israel in February 1986.

On December 7, the President convened a meeting in the White House (residence) to discuss next steps in our efforts to establish direct contact with the Iranians. Attending the

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meeting were the Chief of Staff, Secretaries of State and Defense, the Deputy Director of Central Intelligence, and the Assistant to the President for National Security Affairs and his Deputy. Immediately after the meeting, Mr. McFarlane departed for London to meet with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At this meeting, Mr. McFarlane, as instructed by the President, stated that:

- the U.S. was open to a political dialogue with Iran, but that no such dialogue could make progress for as long as groups seen as dominated by Iran held U.S. hostages; and
- the U.S. could under no circumstances transfer arms to Iran in exchange for hostages.

These points were made directly to the Iranian interlocutor. The Iranian replied that, unless his associates in Tehran were strengthened, they could not risk going ahead with the dialogue. Mr. McFarlane acknowledged the position but stated we could not change our position. In a separate meeting with the Israeli official, Mr. McFarlane made clear our strong objections to Israeli weapons shipments to Iran. Following these meetings, Mr. McFarlane returned to Washington and shortly thereafter left active government service.

On January 2, the Prime Minister of Israel dispatched a special emissary to the U.S. (Amiram Nir) to review proposals for next steps in dealing with Iran. The Israelis urged that we reconsider the issue of providing limited defensive arms to those attempting to take power in Tehran, since all other incentives (economic assistance, medical supplies, machine parts) were of no value in shoring-up those who wanted an opening to the West. Admiral Poindexter noted our stringent objections to the HAWK missile shipments in November and noted that the U.S. would have to act to have them returned (a step undertaken in February, when all 18 missiles were returned to Israel). In that any implementation of the Israeli proposals would require the active participation of the intelligence community, the NSC Staff (North) was tasked to prepare a covert action finding. Work on this Presidential finding commenced on January 4.

On January 6, the President, the Vice President, the Chief of Staff, and the National Security Advisor and his assistant reviewed the first draft of the finding and the recommendations made by the Prime Minister of Israel through his special emissary.

On January 7, the President met in the Oval Office with the Vice President, the Chief of Staff, Secretaries Shultz and Weinberger, Attorney General Meese, Director Casey, and the National Security

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Adviser to discuss the overall situation in Iran and prospects for a strategic dialogue. It was again noted that Mr. McFarlane, on return from his trip to London, had recommended that no further action be taken unless a mechanism could be established by which the U.S. could exert better control over events. He agreed, in principle, with Director Casey that providing limited quantities of defensive arms after the hostages were released still had merit. Both Secretary Shultz and Secretary Weinberger objected to any provision of arms, citing that we could not be sure that these would really help moderate elements and that, if exposed, the project would not be understood by moderate Arabs and would be seen as contravening our policy of not dealing with states that support terrorism. The President decided that we should attempt to keep the Israeli channel active as long as it offered possibilities for meetings with high-level Iranian officials and left open the issue of providing defensive arms to Iran if all the hostages were released.

It was further determined by the President that any dialogue with the Iranians must be aimed at achieving the following goals:

- Devising a formula for re-establishing a strategic relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure ~~the~~ territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

The President made clear that a Western dialogue with Iran would be precluded unless Iran were willing to use its influence to achieve the release of Western hostages in Beirut. He also made clear that we could not and would not engage in trading arms for hostages. Secretaries Shultz and Weinberger retained their original position on providing any arms to Iran, but Attorney General Meese and Director Casey both supported the concept as a valid means of opening the dialogue. Attorney General Meese noted a 1981 determination by then Attorney General French Smith that transferring small quantities of arms through third countries under a Covert Action Finding was not illegal.

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On January 16, a meeting was held in the National Security Advisor's office with Secretary Weinberger, Attorney General Meese, Director Casey, and CIA General Counsel Stanley Sporkin. At this meeting, the final draft of the Covert Action Finding was reviewed and was forwarded to the President with Secretary Weinberger dissenting.

On January 17, 1986, the President approved a Covert Action Finding (Tab A) directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. The President further determined that the activities authorized by the Finding justified withholding prior Congressional notification due to the extreme sensitivity of the dialogue being established. He further noted that public knowledge of the program would place the American hostages in Lebanon at greater risk. Noting his concern for the lives of those carrying out the operation (both U.S. and foreign), he directed that the Director of Central Intelligence refrain from reporting the Finding to the appropriate committees of the Congress until reasonably sure that those involved would no longer be in jeopardy.

On February 3-7, U.S.-officials [redacted] CIA [redacted] representative of the [redacted] Prime [redacted] and a senior-level Iranian official [redacted]

6. [redacted] -et in London. At this meeting, the Iranians agreed that, if the USG would provide defensive weapons (TOWs) to Iran, [redacted] The U.S. side agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

- The Iranian intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would covertly obtain materiel authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using the procedures stipulated above, \$3.7 million was deposited in the CIA account in Geneva on February 11, 1986 and on February 14, 1,000 TOWs were transported to Israel for pre-positioning. These TOWs were transferred by CIA from DOD (U.S. Army stocks in Anniston, Alabama) and transported through [redacted] using standard CIA-DOD [redacted] logistics arrangements. Policy-level coordination for these arrangements was effected by NSC (North) with DOD (Armitage) and CIA (Clair George). The TOWs were placed in a covert Israeli facility awaiting onward shipment.

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On February 19-21, U.S. (NSC and CIA), Israeli and Iranian officials met in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the Iranians committed

After coded authorization was received from Washington, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced on the morning of February 20 and completed in two transits to Tehran on February 21. Transportation from Israel to Iran was aboard a false flag Israeli aircraft. On the return flight from Iran, these aircraft carried the 18 Hawk missiles which Israel had sent to Tehran in November 1985 with USG aforeknowledge.

On February 24, U.S. (CIA and NSC) officials met again in Frankfurt with the Israeli and Iranian officials to discuss next steps. At this meeting, the U.S. side urged that the Iranians expedite a meeting among higher-level officials on both sides.

On February 28, the Prime Minister of Israel wrote to President Reagan (Tab B) urging continued efforts to achieve a strategic breakthrough with Iran, but asking consideration for the safety of recently seized Israeli hostages.

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

The escalation of tensions with Libya, leading up to the April 14 strike, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the effort in late April, 1986. At that point, the Iranian expatriate advised us through the Israeli point-of-contact that the leadership in Tehran was prepared to commence a secret dialogue

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with the United States along the lines of our established goals. We believe that the Iranians were stimulated to renew the contact by the April 17 murder of hostage Peter Kilburn [redacted] in retaliation for the U.S. raid on Libya.

[redacted]

The Iranian expatriate told the NSC and CIA officers, who met with him in Europe at the end of April, that the Iranians did not wish to be accused of any culpability in Kilburn's death.

[redacted]

On May 6, 7, 1986, U.S. and Israeli officers met in London with the Iranian intermediary in which he urged that we take immediate steps to arrange for a high-level U.S./Iranian meeting in Tehran. During the London meeting, the Iranian urged that we (U.S. and Israel) act urgently to help with Iranian air defense. He emphasized that the Iraqi Air Force was increasingly effective of late and that the Iranians were desperate to stop attacks on population centers. The Israelis also used this opportunity to privately ask the U.S. to replace the 508 TOWs which they had sent to Iran in August, 1985.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on May 15, the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA annuitant, CIA communicators, members of the NSC staff, and the Israeli and Iranian interlocutors. The Israelis were informed via coded message on May 15 that the U.S. had agreed to the Iranian request for limited anti-air defense equipment and to replenish the 508 TOWs sent by Israel.

On May 16, the Iranians, through the Israelis provided \$6.5M for deposit in the CIA secure funding mechanism. The funds were used to acquire 508 TOW missiles (for replenishing the TOWs Israel shipped in September 1985) and acquiring HAWK missile electronic spare parts. This material was subsequently moved to [redacted] repackaged and shipped to Kelly AFB for onward movement to Israel on May 22. As in the February shipment, the CIA provided logistics support for the movement of this material to Israel.

In order to ensure operational security, the McFarlane trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (HAWK spare

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electronic parts). At the specific request of the Iranians, alias foreign documentation [redacted] obtained from the CIA -- was used. CIA also provided covert transportation support from CONUS to Israel for the McFarlane party. The group was transported from Israel to Tehran aboard an Israeli Air Force 737 with false flag markings.

In the course of the four-day (May 25-28) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidentially approved Terms of Reference (Tab B), which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan and the Soviet threat to the Gulf) through dialogue.

During these meetings, both sides used the opportunity to detail the obstacles to implementing a strategic relationship between the two countries. In addition to the points noted above, Mr. McFarlane emphasized the political problems caused by Iranian involvement in the hostage issue. The Iranians objected to the USG embargo on U.S. military supplies already paid for plus the continued USG blocking of Iranian assets in the U.S., even after U.S. courts had ruled in their favor. During the course of these meetings, the Iranian officials admitted that they could not win the war, but were in a dilemma in Tehran over how to end the conflict given the need to present an Iranian "victory" before it could be concluded. They emphasized that the original aggressor, Saddam Hussein, must be removed from power in order for the war

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to end. Mr. McFarlane concluded the visit by summarizing that notwithstanding Iranian interest in carrying on with the dialogue, we could not proceed with further discussions in light of their unwillingness to exert the full weight of their influence to cause the release of the Western hostages in Lebanon.

On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 26, Father Lawrence Jenco was released in the Bekka Valley and found his way to a Syrian military checkpoint.

On August 3, the remaining three pallets (less than 4 plane load) of electronic parts for Iranian anti-aircraft defenses (SAMX missile sub-components) arrived in Tehran. As in all flights to/from Iran this delivery was made with an Israeli Air Force aircraft (707) using false flag markings. Timing of the delivery was based on coordination among U.S., Israeli, and Iranian officials.

In early August 1986, the contact between Iranian expatriate began to focus exclusively on the assistance of the USG to provide military assistance. Iran's requests for hostages and we sought to establish different channels of communication which would lead us more directly to persons and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (MGEN Richard Secord, USAF [Ret.]) advised within the purview of the January 1986 policy briefing, that contact in Europe with

C. [redacted] the assistance of the [redacted] Iranian [redacted] to Washington for detailed discussions. He stated this effort to be useful in establishing contact with a close confidant of the man judged to be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided assessments designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war. The assessments also detailed the Soviet threat to Iran.

C. Through August, September, and October 1986, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts. During the October-26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranian [redacted] urged that we take a more active role in support for the Afghan resistance [redacted]

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The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 tank [redacted]. The Iranians have also offered to provide a copy of the 400 page interrogation of Beirut Station Chief William Buckley. At this meeting [redacted] stated that there was a "very good chance that another American or two would be freed soon." On October 29, with U.S. acquiescence, Israel provided Iran with an additional increment of defensive weapons (500 TOM missiles).

- C. Late on October 31, [redacted] called the U.S. citizen (Nakim) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of an American -- David Jacobson -- and an uncertain number of French hostages. He further noted that this would be part of the purpose of the Iranian Foreign Minister's visit to Syria -- an event we became aware of on November 1, 1986. [redacted] stated that the situation in Tehran, as well as Iranian influence over Hizballah were both deteriorating.

[redacted] On November 2, David Jacobson was released by [redacted] near the old American Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy officer to West Beirut to pick up Mr. [redacted].

It is now apparent that persistent U.S. efforts to establish contact with Iran and subsequent public speculation regarding these contacts have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a purposely distorted version of the May 1986 McFarlane mission in his November 4 address to the masses. Moderate Iranian political leaders apparently now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The revelations in Tehran regarding the McFarlane mission are demonstrable evidence of the internal power struggle. The October 1986 arrest of radical leader Mahdi Hashemi, a close confidant and son in-law of Ayatollah Montazeri, for acts of terrorism and treason has caused further internal conflict.

Resolution of the Lebanon hostage situation is also complicated by waning Iranian influence in Lebanon due in part to financial constraints and the fact that the Libyans are expanding their

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loyal to the now imprisoned Mehdi Hashemi. If so, this could be an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the pragmatic faction with which we have been in contact.

Throughout this process, the USG has acted within the limits of established policy and in compliance with all U.S. law. The shipment of 2,008 U.S. TOWs and 233 HAWK missile electronic spare parts was undertaken within the provisions of a Covert Action Finding.

During the course of this operation -- and before -- the U.S. was cognizant of only three shipments from Israel to Iran. Specifically:

- The Israelis acknowledged the August 1985 shipment of 508 TOWs after it had taken place. Until we were advised by the Israelis, and had the information subsequently confirmed by Iranian authorities, we were unaware of the composition of the shipment. We subsequently agreed to replace these TOWs in May of 1986.
- The November 1985 shipment of 18 Israeli HAWK missiles was not an authorized exception to policy. This shipment was retrieved in February 1986 as a consequence of U.S. intervention.
- The October 1986 shipment of 300 TOWs from Israel to Iran was undertaken with U.S. acquiescence. These TOWs were replaced on November 7.

In support of this Finding and at the direction of the President, the CIA provided the following operational assistance:

- CIA communications officers and an annuitant to assist in various phases of the operation.
- Sterile overseas bank accounts for financial transactions.
- A secure transshipment point for the dispatch of U.S. military items from the U.S.
- Transshipment of military items from the U.S. to Israel.
- Communications and intelligence support for the meetings with Iranian officials and the McFarlane trip to Tehran in May.

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(Historical Chronology)~~UNCLASSIFIED~~U.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGES

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From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in this critical part of the world and reconstruct a working relationship. Even before President Reagan came to office the U.S. Government agreed to try to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. In the fall of 1979, the U.S. undertook three secret missions to Tehran:

- September 1979 [redacted] met secretly with Bazargan at the request of the Iranians)
- October 1979 [redacted]
- October-November 1979 [redacted] discussed normalization of relations)

When these meetings and the secret November 1, 1979 meeting in Algiers, between Briesinski and Prime Minister Bazargan, became public in Iran, they helped precipitate the takeover of the U.S. Embassy by radical elements and led to the resignation of the Bazargan government. These events have adversely influenced Iran's subsequent willingness to engage in any direct contact with the USG.

Despite mutual difficulties involved in re-establishing normal relations, our strategic interests in the Persian Gulf mandate persistent efforts to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- Egypt, Jordan, Morocco, Israel, South Africa, and the United States. Even Iraq continues to have diplomatic relations with Iran.

Iran is the key to a region of vital importance to the West, yet it is increasingly threatened by growing Soviet military power and political influence along its borders and inside its territory. Over the course of the last two years, the Soviets and their surrogates have moved actively to gain greater influence in the Gulf:

- The Soviets believe that once Khomeini dies, they will have an excellent opportunity to influence the formation of a government in Tehran that serves Soviet strategic interests in the area.

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Partially Declassified/Released on 9 June 1987
Under provisions of E.O. 12356
by S. Rader, National Security Council

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-- Communist nations have become the principal arms suppliers to Iran -- making Iran dependent on this source of supply in contending with an increasingly strengthened Iraq. This leads us to the conclusion that the Soviets may well be attempting to pursue their own revolution in Iran. That is, by fueling both sides in the conflict, the Soviets could well encourage a disastrous "final offensive" by Iran that would precipitate a political disintegration in Iran, leaving a power vacuum which the Soviets could exploit. Specifically, the indicators of Communist influence in Iran are:



The increasing desperation brought on by the costs of the Iran-Iraq war has exacerbated Iran's vulnerability to Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran from Afghanistan have made reopening a strategic dialogue increasingly important.

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In short, the Soviets were far better positioned to improve significantly their influence in the region in 1985 when we were presented with an opportunity to open a dialogue with Iran. In deciding to exploit this opening, we evaluated previous efforts through more conventional channels which had not succeeded.

About two years ago, senior Iranian officials apparently decided that some accommodation with the U.S. was necessary. Since 1983, various countries have been engaged in overtures to the U.S. and Iran in an effort to stimulate direct contact between the two countries.

However, internal splits and debates made it difficult for the Iranians to respond to these overtures.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in establishing contact in Iran or in seeking Iranian assistance in the release of our citizens held hostage in Lebanon.

In the spring of 1985, a private American citizen (Michael Ledeen) learned from an Israeli government official (David Kinche) that the Israelis had established a liaison relationship with an Iranian expatriate (Manuchehr Ghorbanifar) in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the Iranian officials involved, he (Ghorbanifar) indicated that his "sponsors" in Tehran could also help to resolve the American-hostage situation in Beirut.

In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities. Speaker Rafehanjani, who was travelling in the mid-east at the time, and Iranian Foreign Minister Velayati both intervened with the captors. Rafehanjani, in his speech on November 4, 1986, for the first time publicly acknowledged his role in this matter.

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In July of 1985, during a visit to Washington, an Israeli official (Kimche) advised National Security Advisor, Robert McFarlane, that Israel had established a channel of communication with authoritative elements in Iran who were interested in determining whether the United States was open to a discreet, high-level dialogue. The Iranians were described as comprising the principal figures of the government (i.e., Speaker of the Majlis Rafsanjani, Prime Minister Musavi, and Khomeini's heir-apparent, Ayatollah Montazeri) and as being devoted to a reorientation of Iranian policy.

At this first meeting, McFarlane went to great length to draw out the Israeli as to why he found the Iranian proposal credible, given the events of the past six years. The Israeli replied that their exhaustive analysis had gone beyond the surface logic deriving from the chaos and decline within Iran and the degenerative effects of the war, to more concrete tests of the willingness of the Iranians to take personal risks. He noted that the Iranians had exposed themselves to possible compromise by meeting with Israelis and by passing extremely sensitive intelligence on the situation (and political line-up) within Iran -- information which was proven valid.

The Israeli asked for our position on opening such a dialogue. No mention was made of any pre-conditions or Iranian priorities. McFarlane conveyed this proposal to the President (in the presence of the Chief of Staff). The President said that he believed such a dialogue would be worthwhile at least to the point of determining the validity of the interlocutors. This decision was passed to the Israeli diplomat.

Within days the Israeli called again on McFarlane. At this meeting, he stated that he had conveyed our position to the Iranian intermediary and that the Iranians had responded that they recognized the need for both sides to have tangible evidence of the bona fides of the other and that they believed they could affect the release of the Americans held hostage in Lebanon.

According to the Israeli, the Iranians separately stated that they were vulnerable as a group and before having any prospect of being able to affect change within Iran they would need to be substantially strengthened. To do so, they would need to secure the cooperation of military and/or Revolutionary Guard leaders. Toward this end, they expressed the view that the most credible demonstration of their influence and abilities would be to secure limited amounts of U.S. equipment. The Israeli asked for our position on such actions.

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Mr. McFarlane elevated this proposition to the President at a meeting within days that included the Secretaries of State and Defense and the Director of Central Intelligence. The President stated that, while he could understand that assuming the legitimacy of the interlocutors, they would be quite vulnerable and ultimately might deserve our support to include tangible materiel; at the time, without any first hand experience in dealing with them, he could not authorize any transfers of military materiel. This was conveyed to the Israeli.

On August 22, 1985, the Israeli diplomat called once more to report that the message had been conveyed and that an impasse of confidence existed. He asked what the position of the U.S. Government would be to an Israeli transfer of modest quantities of defensive military materiel. McFarlane replied that to him, such an action would represent a distinction without a difference. The Israeli diplomat explained at great length that Israel had its own policy interests that would be served by fostering such a dialogue in behalf of the U.S., but that a problem would arise when ultimately they needed to replace items shipped. He asked whether Israel would be able to purchase replacements for items they chose to ship. McFarlane stated that the issue was not the ability of Israel to purchase military equipment from the U.S. -- they had done so for a generation and would do so in the future -- but rather the issue was whether it was U.S. policy to ship or allow others to ship military equipment to Iran. The Israeli asked for a position from our government. McFarlane elevated the question to the President (and to the Secretaries of State and Defense and the Director of Central Intelligence). The President stated that, while he could envision providing materiel support to moderate elements in Iran if all the Western hostages were freed, he could not approve any transfer of military materiel at that time. This position was conveyed to the Israeli diplomat.

On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, the Special Envoy of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnappers.

In late September, we learned that the Israelis had transferred 508 TOW missiles to Iran and that this shipment had taken place in late August. The Israelis told us that they undertook the action, despite our objections, because they believed it to be in their strategic interests. The Israelis managed this entire operation, to include delivery arrangements, funding, and transportation. After discussing this matter with the President, it was decided not to expose this Israeli delivery because:

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- We wanted to retain the option of exploiting the existing Israeli channel with Tehran in our own effort to establish a strategic dialogue with the Iranian government.
- The total value of the 508 TOWs shipped by Israel was less than \$2 million and, therefore, below the threshold requiring a report of military equipment transfers under the Arms Export Control Act.

On October 4, 1985, Islamic Jihad announced that it had "executed" Beirut Station Chief William Buckley in retaliation for the October 1 Israeli air raid on PLO installations in Tunis. This announcement led to a series of meetings in Europe among the U.S. (CIA and NSC), Israeli, and Iranian intermediaries. In these meetings, the Iranians indicated that, while their ability to influence the Hizballah was waning, the Hizballah had not killed Buckley; he had in fact died several months earlier of natural causes. We have since substantiated this information in debriefs of Father Jenco and David Jacobsen, both of whom indicate that Buckley probably died on June 3, 1985 of pneumonia-like symptoms.

In late November 1985, an aircraft owned by a CIA proprietary airline was chartered through normal commercial contract to carry cargo from Israel. It was subsequently determined that the Israelis, responding to urgent entreaties from the Iranians, used the aircraft to transport 18 HAWK missiles to Iran in an effort to improve the static air defenses around Tehran. The Israelis were unwitting of the CIA's involvement in the airline and the airline was paid at the normal commercial rate (approximately \$127,700). The airline personnel were also unwitting of the cargo they carried. The Israeli delivery of HAWK missiles raised serious U.S. concerns that these deliveries were jeopardizing our objective of arranging a direct meeting with high-level Iranian officials. As a consequence of U.S. initiative and by mutual agreement of all three parties, these missiles were subsequently returned to Israel in February 1986.

On December 7, the President convened a meeting in the White House (residence) to discuss next steps in our efforts to establish direct contact with the Iranians. Attending the meeting were the Chief of Staff, Secretaries of State and Defense, the Deputy Director of Central Intelligence, and the Assistant to the President for National Security Affairs and his Deputy. Immediately after the meeting, Mr. McFarlane departed for London to meet with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At this meeting, Mr. McFarlane, as instructed by the President, stated that:

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- the U.S. was open to a political dialogue with Iran, but that no such dialogue could make progress for as long as groups seen as dominated by Iran held U.S. hostages; and
- the U.S. could under no circumstances transfer arms to Iran in exchange for hostages.

These points were made directly to the Iranian interlocutor. The Iranian replied that, unless his associates in Tehran were strengthened, they could not risk going ahead with the dialogue. Mr. McFarlane acknowledged the position but stated we could not change our position. In a separate meeting with the Israeli official, Mr. McFarlane made clear our strong objections to the Israeli shipment of the HAMK missiles and noted that the U.S. would have to act to have them returned (a step undertaken in February, when all 18 missiles were returned to Israel). Following these meetings, Mr. McFarlane returned to Washington and shortly thereafter left active government service.

On January 2, the Prime Minister of Israel dispatched a special emissary to the U.S. (Amiram Nir) to review proposals for next steps in dealing with Iran. The Israelis urged that we reconsider the issue of providing limited defensive arms to those attempting to take power in Tehran, since all other incentives (economic assistance, medical supplies, machine parts) were of no value in shoring-up those who wanted an opening to the West. In that any implementation of the Israeli proposals would require the active participation of the intelligence community, the NSC Staff (North) was tasked to prepare a covert action finding. Work on this Presidential finding commenced on January 4.

On January 6, the President, the Vice President, the Chief of Staff, and the National Security Advisor and his assistant reviewed the first draft of the finding and the recommendations made by the Prime Minister of Israel through his special emissary.

On January 7, the President met in the Oval Office with the Vice President, the Chief of Staff, Secretaries Shultz and Weinberger, Attorney General Meese, Director Casey, and the National Security Advisor to discuss the overall situation in Iran and prospects for a strategic dialogue. It was again noted that Mr. McFarlane, on return from his trip to London, had recommended that no further action be taken unless a mechanism could be established by which the U.S. could exert better control over events. He agreed, in principle, with Director Casey that providing limited quantities of defensive arms after the hostages were released still had merit. Both Secretary Shultz and Secretary Weinberger

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objected to any provision of arms, citing that we could not be sure that these would really help moderate elements and that, if exposed, the project would not be understood by moderate Arabs and would be seen as contravening our policy of not dealing with states that support terrorism. The President decided that we should attempt to keep the Israeli channel active as long as it offered possibilities for meetings with high-level Iranian officials and left open the issue of providing defensive arms to Iran if all the hostages were released.

It was further determined by the President that any dialogue with the Iranians must be aimed at achieving the following goals:

- Devising a formula for re-establishing a strategic relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure the territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

The President made clear that a Western dialogue with Iran would be precluded unless Iran were willing to use its influence to achieve the release of Western hostages in Beirut. He also made clear that we could not and would not engage in trading arms for hostages. Secretaries Shultz and Weinberger retained their original position on providing any arms to Iran, but Attorney General Meese and Director Casey both supported the concept as a valid means of opening the dialogue. Attorney General Meese noted a 1981 determination by then Attorney General French Smith that transferring small quantities of arms through third

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On January 16, a meeting was held in the National Security Advisor's office with Secretary Weinberger, Attorney General Meese, Director Casey, and CIA General Counsel Stanley Sporkin. At this meeting, the final draft of the Covert Action Finding was reviewed and was forwarded to the President with Secretary Weinberger dissenting.

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On January 17, 1986, the President approved a Covert Action Finding (Tab A) directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. The President further determined that the activities authorized by the Finding justified withholding prior Congressional notification due to the extreme sensitivity of the dialogue being established. He further noted that public knowledge of the program would place the American hostages in Lebanon at greater risk. Noting his concern for the lives of those carrying out the operation (both U.S. and foreign), he directed that the Director of Central Intelligence refrain from reporting the Finding to the appropriate committees of the Congress until reasonably sure that those involved would no longer be in jeopardy.

On February 5-7, U.S. officials (NSC and CIA [redacted] a representative of the Israeli Prime Ministry [Amirani Eff], and a senior-level Iranian official [redacted])

met in London. At this meeting, the Iranians agreed that, if the USG would provide defensive weapons (TOWs) to Iran, they would, in turn, provide same to the Afghan Mujahideen. The U.S. side agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

- The Iranian intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would covertly obtain materiel authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using the procedures stipulated above, funds were deposited in the CIA account in Geneva on February 11, 1986 and on February 14 1,000 TOWs were transported to Israel for pre-positioning. These TOWs were transferred by CIA from DOD (U.S. Army stocks in Anniston, Alabama) and transported through [redacted] using standard CIA-DOD [redacted] logistics arrangements. Policy-level coordination for these arrangements was effected by NSC (North) with DOD (Armitage) and CIA (Clair George). The TOWs were placed in a covert Israeli facility awaiting onward shipment.

On February 19-21, U.S. (NSC and CIA), Israeli and Iranian officials met in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the Iranians committed [redacted]

[redacted] After coded authorization was received from Washington, the U.S. side agreed to provide

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On February 19-21, U.S. (NSC and CIA), Israeli and Iranian officials met in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the Iranians committed

After coded authorization was received from Washington, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced on the morning of February 20 and completed in two transits to Tehran on February 21. Transportation from Israel to Iran was aboard a false flag Israeli aircraft. On the return flight from Iran, these aircraft carried the 18 Hawk missiles which Israel had sent to Tehran in November 1985 with UFG aforesaid knowledge.

On February 24, U.S. (CIA and NSC) officials met again in Frankfurt with the Israeli and Iranian officials to discuss next steps. At this meeting, the U.S. side urged that the Iranians expedite a meeting among higher-level officials on both sides.

On February 28, the Prime Minister of Israel wrote to President Reagan (Tab B) urging continued efforts to achieve a strategic breakthrough with Iran, but asking consideration for the safety of recently seized Israeli hostages.

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

The escalation of tensions with Libya, leading up to the April 14 strikes, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the effort in late April, 1986. At that point, the Iranian expatriate advised us through the Israeli point-of-contact that the leadership in Tehran was prepared to commence a secret dialogue

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The Iranian expatriate told the NSC and CIA officers, who met with him in Europe at the end of April, that the Iranians did not wish to be accused of any culpability in Kilburn's death.

On May 6, 7, 1986, U.S. and Israeli officers met in London with the Iranian intermediary in which he urged that we take immediate steps to arrange for a high-level U.S./Iranian meeting in Tehran. During the London meeting, the Iranian urged that we (U.S. and Israel) take immediate steps to help with Iranian air defense. He emphasized that the Iraqi Air Force was increasingly effective of late and that the Iranians were desperate to stop attacks on population centers. The Israelis also used this opportunity to privately ask the U.S. to replace the 508 TOMs which they had sent to Iran in August, 1985. The Israelis were informed via coded message on May 15 that the U.S. had agreed to the Iranian request for limited anti-air defense equipment and to replenish the 508 TOMs sent by Israel.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on May 15, the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA annuitant, CIA communicators, members of the NSC staff, and the Israeli and Iranian interlocutors.

On May 16, the Iranians, through the Israelis provided \$6.5M for deposit in the CIA secure funding mechanism. The funds were used to acquire 508 TOM missiles (for replenishing the TOMs Israel shipped in September 1985) and acquiring HAWK missile electronic spare parts. This material was subsequently moved to [redacted] repackaged and shipped to Kelly AFB for onward movement to Israel on May 22. As in the February shipment, the CIA provided logistics support for the movement of this material to Israel.

In order to ensure operational security, the McFarlane trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (HAWK spare electronic parts). At the specific request of the Iranians, alias foreign documentation [redacted] obtained from the CIA -- was used. CIA also provided covert transportation support from COMUS to Israel for the McFarlane party. The group was transported from Israel to Tehran aboard an Israeli Air Force 707 with false flag markings.

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electronic parts). At the specific request of the Iranians, alias foreign documentation [redacted] obtained from the CIA -- was used. CIA also provided covert transportation support from CONUS to Israel for the McFarlane party. The group was transported from Israel to Tehran aboard an Israeli Air Force 707 with false flag markings.

In the course of the four-day (May 25-28) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidentially approved Terms of Reference (Tab B), which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan and the Soviet threat to the Gulf) through dialogue.

During these meetings, both sides used the opportunity to detail the obstacles to implementing a strategic relationship between the two countries. In addition to the points noted above, Mr. McFarlane emphasized the political problems caused by Iranian involvement in the hostage issue. The Iranians objected to the USG embargo on U.S. military supplies already paid for plus the continued USG blocking of Iranian assets in the U.S., even after U.S. courts had ruled in their favor. During the course of these meetings, the Iranian officials admitted that they could not win the war, but were in a dilemma in Tehran over how to end the conflict given the need to present an Iranian "victory" before it could be concluded. They emphasized that the original aggressor, Saddam Hussein, must be removed from power in order for the war

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On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 26, Father Lawrence Jenco was released in the Bekke Valley and found his way to a Syrian military checkpoint.

On August 3, the remaining three pallets (less than 4 plane load) of electronic parts for Iranian anti-aircraft defenses (KAWK missile sub-components) arrived in Tehran. As in all flights to/from Iran this delivery was made with an Israeli Air Force aircraft (707) using false flag markings. Timing of the delivery was based on coordination among U.S., Israeli and Iranian officials.

In early August 1986, the contact with the Iranian expatriate began to focus exclusively on the willingness of the USG to provide military assistance to Iran in exchange for hostages and we sought to establish different channels of communication which would lead us more directly to pragmatic and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (MGEN Richard Secord, USAF (Ret.)) acting within the purview of the January Covert Action Finding, made contact in Europe with [redacted] relative [redacted] senior Iranian official (Rafsanjani). With the assistance of the CIA, this Iranian [redacted] was brought covertly to Washington for detailed discussions. We judged this effort to be useful in establishing contact with a close confidant of the man judged to be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided intelligence designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war. The intelligence also detailed the Soviet threat to Iran.

Through August, September, and October 1986, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts. During the October 26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranian [redacted] urged that we take a more active role in support for the Afghan resistance.

The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 tank [redacted]. The Iranians have also offered to provide a copy of the 400 page interrogation of Beirut Station Chief William Buckley. At this meeting, [redacted] stated that there was a "very good chance that another American or two would be freed soon." On October 29, with U.S. acquiescence, Israel provided Iran with an additional increment of defensive weapons (500 TOW missiles).

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Late on October 31, [redacted] called the U.S. citizen (Hakim) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of an American -- David Jacobsen -- and an uncertain number of French hostages. He further noted that this would be part of the purpose of the Iranian Foreign Minister's visit to Syria -- an event we became aware of on November 1, 1986. [redacted] stated that the situation in Tehran, as well as Iranian influence over Hizballah were both deteriorating.

[redacted] On November 2, David Jacobsen was released by his captors near the old American Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy officer to West Beirut to pick up Mr. Jacobsen.

It is now apparent that persistent U.S. efforts to establish contact with Iran and subsequent public speculation regarding these contacts have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a purposely distorted version of the May 1986 McFarlane mission in his November 4 address to the masses. Moderate Iranian political leaders apparently now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The revelations in Tehran regarding the McFarlane mission are demonstrable evidence of the internal power struggle. The October 1986 arrest of radical leader Mehdi Hashemi, a close confidant and son-in-law of Ayatollah Montazeri, for acts of terrorism and treason has caused further internal conflict.

Resolution of the Lebanon hostage situation is also complicated by waning Iranian influence in Lebanon due in part to financial constraints and the fact that the Syrians are expanding their contacts with more radical Hizballah elements.

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On November 7, the day after a meeting with U.S. officials, Iranian government authorities arrested six other individuals involved in radical activities. Among the two were senior military officers and a Majlis deputy (Ahmad Kashani), the grandson of Ayatollah Kashani, a conspirator in the 1949 attempt against the Shah.

Despite these internal difficulties and attendant publicity in the Western media, the Iranians continue to maintain direct contact with the USG and met again in Geneva on November 9-10 with NSC and CIA representatives.

the two principal Iranian contacts continue to communicate with the U.S.

the Iranians still intend to deliver the T-72 tank

positive statement* will be made in the near future by Rafsanjani.

Both have warned that further disclosures could harm them personally and the longer-term interests of the two countries.

It is important to note that since the initiation of the USG contact with Iran there has been no evidence of Iranian government complicity in acts of terrorism against the U.S. We do not know who seized the last three American hostages in Beirut (Messrs. Reed, Cicippio, and Tracy). The Islamic Jihad Organization (IJO) has disclaimed responsibility -- as have our Iranian interlocutors.

It is possible that these three Americans were kidnapped at the direction of Iranian radicals loyal to the now imprisoned Mehdi Hashemi. If so, this could be an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the pragmatic faction with which we have been in contact.

Throughout this process, the USG has acted within the limits of established policy and in compliance with all U.S. law. The shipment of 2,008 U.S. TOWs and 235 HAWK missile electronic spare parts was undertaken within the provisions of a Covert Action Finding.

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During the course of this operation -- and before -- the U.S. was cognizant of only two shipments from Israel to Iran. Specifically

- The Israelis acknowledged the August 1985 shipment of 508 TOWs after it had taken place. Until we were advised by the Israelis, and had the information subsequently confirmed by Iranian authorities, we were unaware of the composition of the shipment. We subsequently agreed to replace these TOWs in May of 1986.
- The November 1985 shipment of 18 Israeli HAWK missiles was not an authorized exception to policy. This shipment was retrieved in February 1986 as a consequence of U.S. intervention.
- The October 1986 shipment of 500 TOWs from Israel to Iran was undertaken with U.S. acquiescence. These TOWs were replaced on November 7.

In support of this Finding and at the direction of the President, the CIA provided the following operational assistance:

- Sterile overseas bank accounts for financial transactions.
- A secure transshipment point for the dispatch of U.S. military items from the U.S.
- Transshipment of military items from the U.S. to Israel.
- Communications and intelligence support for the meetings with Iranian officials and the McFarlane trip to Tehran in May.
- Cleared meeting sites in Europe for meetings with Iranian officials.
- Altered documentation for U.S. and foreign officials for meetings in Europe and Tehran.

The weapons and materiel provided under this program were judged to be inadequate to alter either the balance of military power or the outcome of the war with Iraq. They have, however, demonstrated the U.S. commitment to Iranian territorial integrity and served to support those in Iran interested in opening a strategic relationship with the U.S. U.S. efforts over the last 18 months have had tangible results on Iranian policy:

- The Rafsanjani/Velayati intervention on behalf of the TWA 647 passengers (June 1985).
- Iranian direction that the hijacked Pan Am 673 would not be received in Iranian territory if it left Karachi.

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-- The release of three American and at least two French hostages.

-- The initiation of an Iranian dialogue with their regional neighbors.

-- Continued delay in the Iranian "final offensive."

Finally, it must also be noted that the U.S. arms embargo notwithstanding, West European nations have provided \$500 million a year in military equipment to Iran. Most of these transfers were accomplished with government knowledge and/or acquiescence.

All appropriate Cabinet Officers have been apprised throughout. The Congress was not briefed on the covert action finding due to the extraordinary sensitivity of our Iranian contacts and the potential consequences for our strategic position in Southwest Asia. Finally, our efforts to achieve the release of the hostages in Lebanon must continue to rely on discreet contacts and intermediaries who cannot perform if they are revealed.

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CHRONOLOGY OF EVENTS: U.S.-Iran Dialogue

1985

Jan : Michael Ledeon suggested to the NSC that Israeli contacts may be useful in obtaining release of the U.S. hostages in Lebanon. Ghorbanifar was introduced to Ledeon and the NSC as an Iranian intermediary.

Feb 14: Jeremy Levin escaped.

Jun 14: TWA-847 hijacking. Iranian government officials, contacted by Israelis and Ghorbanifar, help in obtaining the release of four Americans held separately from the rest of the hijacked passengers. Last known instance of Iranian influenced group perpetrating terrorism against U.S. nationals.

Jun : Draft NSDD on Iran circulated to principals.

Aug 22: David Kimche met with Bud McFarlane in Washington.

Aug 30: 508 TOW missiles delivered to Iran from Israel.

Sep 01: [REDACTED]

Sep 14: Reverend Benjamin Weir released.

Oct 04: Islamic Jihad claimed it murdered U.S. hostage William Buckley in retaliation for Israeli raids in Tunis.

Nov 17-18: Separate meetings in London with Ghorbanifar and Waite.

Nov 24: Israel delivered 18 HAWK missiles to Iran [REDACTED]

Dec 06-08: Meeting in London with McFarlane and Ghorbanifar.

Dec 20: Hostage Location Task Force (HLTF) formed at CIA.

Dec 22: Ghorbanifar to U.S. for talks with U.S. officials.

Dec 23: Nir became primary Israeli POC.

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1986

Jan 17: Presidential Finding on Iran.

Feb 05-07: Meetings in Geneva with Nir and Ghorbanifar (CIA and NSC).

Feb 14: U.S. delivers 1,000 TOWs to Israel.

Feb 19-21: Meetings in London and Frankfurt (Ghorbanifar [redacted]).

Feb 20-21: 1,000 TOWs delivered to Tehran from Israel.

Late Feb: 18 HAWK missiles returned to Israel.

Apr 17: U.S. hostage Peter Kilburn murdered in retaliation for U.S. raid on Libya.

Apr 22: Ghorbanifar arrested in Switzerland for indebtedness apparently related to the FBI sting of arms sales to Iran by private citizens from the U.S., Germany, and Israel.

May 09: Planning meeting at CIA (DDO and NSC personnel).

May 15: Terms of Reference (TOR) approved for establishing a strategic dialogue with Iran. U.S. objectives:

- Establish a correct relationship with Iran.
- End Iran-Iraq war.
- Return U.S. hostages.

May 22-28: Meetings in London [redacted] Cyprus [redacted] and Tel Aviv (Nir and Rabin).

May 23: U.S. delivers 508 TOWs to Israel (replacements).

May 24: [redacted]

May 25-27: McFarlane party to Tehran. Some of the 240 HAWK missile parts accompany the party.

Jun 10: Rafsanjani news conference containing possible "signal" that Iran wanted improved relations with the U.S.

Jun 30-Jul 02: Ghorbanifar in U.S. for discussions with CIA and NSC.

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Jul 26-28: Meetings in Frankfurt (Ghorbanifar, Nir, NSC, and CIA).

Jul 26: Father Jenco released.

Aug 03: Remainder of 240 HAWK missile parts delivered to Tehran.

Aug 06: Frankfurt meetings.

Aug 10: Initial contacts with [REDACTED] in Madrid and London.

Sep 19-20: Discussions in Washington with new Iranian intermediary (NSC and CIA).

Sep 22-23: Meetings in London (CIA, NSC with Nir).

Oct 03: White House approves provision of intelligence to Iran [REDACTED]

Oct 05-07: Frankfurt meetings (CIA, NSC, [REDACTED])

Oct 26-28: Frankfurt (Mainz) meetings of U.S. and Iranian representatives (CIA, NSC, Israeli rep (Nir), [REDACTED])

Oct 29: 500 TOW missiles delivered to Iran from Israel.

Nov 02: David Jacobson released.

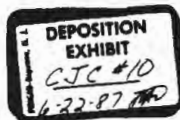
Nov 05-07: Meetings in Geneva with [REDACTED] (NSC and CIA).

Nov 07: 500 TOW missiles delivered to Israel (replacements).

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under provisions of E.O. 12356
by K. Johnson, National Security Council

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See Reply to note of 08/10/05 11:26

— 1937 —

NOTE FROM: OLIVER BOYD

Subject: PRIVATE SLAVE CIRCLES

May 1967

The Institute will deliver 60 new users [redacted] at noon on Friday 22 Nov.

These 80 will be loaded aboard three chartered aircraft, owned by a proprietary

which will take off at two hour intervals for Yabala. The aircraft will

file for oversight through the [redacted] FBI enroute to Table 1 line [redacted] 0
appropriate arrangements have been made with the proper [redacted] air control

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11/22/05 10:27:15

5205

Partially Declassified/Released on 10 Feb 88
under provisions of E.O. 12356
by K. Johnson, National Security Council

11/22/05 10:27:15

see reply to note of 04/11/05 03:26

NOTE: 04/11/05 03:26
Subject: 04/11/05 03:26
Status Report as of 11/26/05

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270 0944

MAIL ROOM COMMUNICATIONS DIVISION

26021 N

Second , and the Charge continues to seek clearance for A/C from
department which can lead and proceed. Despite the difficulties of the past
20 years, all continue to believe that if we can get thru to
that this can be done.

Do continue to explore other options:

-- (Chandler a man who to pick up the cargo in Vol 100) and deliver it to for use to the three contacted SC-20 for the flight to Vol 100 (M).

--- fly the 1 straight out direct to Th. p/o the cargo, fly id) refilo
(for 7 fies

-- The three chartered A/T directly to Va. load cargo, proceed directly to 2 w/o fitting mail embargo and in 1941.

continue to work, liberating blacks and the poor to self-realization. Other nations comprise an obstacle to the central government's revolutionary goals. Since the revolution is fundamentally anti-imperialist, the government must take steps to liberate other nations to protect hegemony and to achieve the ultimate goal.

has agreed to have A/C to the lead group who accepted for a proprietary to work for Decade Coppi. Will charter two 74's to the name of first management team Tulsa and have them fly the cups and deliver it to the base case. It will be offered to the three inculcated chartered B-1/5m for the flight to the base case. Though I am not a Coppi subject, he does not know that the 74's belong to a proprietary. Clarifying defense a model - no more Coppi.

APR 26 10 06 1968:
 Schenck so it may come. I have just talked to Schenck. He is the
 director so they have released their KC-10 in spite of my call to an
 instructing that they be put on hold until we could hear the
 clearance given to Schenck released them to area 3 and new
 was not told that they can be re-chartered before Monday.

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FILED 1975 10 WHITE HOUSE COMMUNICATIONS AGENCY

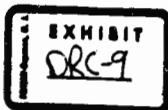
REPORTS AS OF 1975.
 advised copy of letter of p/s a/c. By has advised that we can use one of
 our later American a/c which can at p/s a/c level of some for 1975.
 We will have the a/c regulated tonight and get into service all over 24
 so that we can at least get this thing working. We hope we have never
 seen anything as serious as in of life. Will need a/c release limits to
 ensure that the case will be covered by days late in service. 1975 had, then
 we have the first day of the day. The day after tomorrow, 1975 had, then
 tomorrow. The case was already postponed by postponement attached. Maybe
 we can do it on both of those.
 There as it becomes available, one half of an operation.

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11/21/75 10:12 ***

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From NSOLN --CPUA
To: NSJMP --CPUA

Date and time

RECEIVED
NOV 29 1985

*** Reply to note of 88/31/85 13:26

-- SECRET --

Copy 5 Received

NOTE FROM: OLIVER NORTH

Subject: PRIVATE BLANK CHECK

Subject: Current Status of Operation Recovery: Following summary is based on discussions in Geneva among Kimche, Copp, Gorbanifahr and [redacted] which were concluded this weekend, subsequent discussions with Mandy Meron here in Washington which are continuing, and calls btwn Copp and Kimche's asset (Nimrod) who is "baby sitting" the Iranians in Paris (where they are receiving guidance from Tehran).

The attempted transfer [redacted] of 18 Hawk missiles went awry because the Iranians were in fact seeking a weapons system that would be capable of stopping Soviet reconnaissance flights along the Iranian/Soviet border and on the Iranian/Iraqi border. Gorbanifahr rptd that these flights occur regularly and as deep as 40mi inside Iranian airspace. Because Schwimmer and Ledeen were unfamiliar with the operational parameters of the HAWK, they agreed to ship 120 weapons that were totally inadequate to meet the reqmts established by the Iranians. This delivery has created an atmosphere of extraordinary distrust on the part of the Iranians: in Kimche's view, because the credibility of the Gorbanifahr mission has probably been seriously called into question.

Despite this perception (Gorbanifahr said numerous times that this whole thing was a "cheating game" on the part of the Israelis), Copp & Kimche have been able to proceed with a renewed dialogue which still promises hope for achieving our three objectives:

- support for a pragmatic - army oriented faction which could take over in a change of government
- return of the five AMCIIT hostages
- no more terrorism directed against U.S. personnel or interests.

From these ongoing discussions, which in two cases included Iranian military officers, Copp and Kimche conclude that the military situation in Iran is desperate. The Iranian descriptions of the state of their equipment, lack of competent management, inability to use much of the remaining U.S. materiel portends the real possibility of a military collapse (at least by the Army) in the near to mid-term. Thus, there is considerable pressure on the interlocutors in Europe to produce - quickly.

Given the relatively low level of competence on the part of the Iranians in Europe, and the fact that any supplies delivered will undoubtedly have to be examined by an Army or Air Force officer, it is very doubtful that a "single transaction" arrangement can be worked out with the parties in Tehran, no matter what is agreed to in Europe. In short, they have been "scammed" so many times in the past that the attitude of distrust is very high on their part. At the same time, in all discussions (including today's phone calls) they are desperate to conclude some kind of arrangement in the next 10 days and have even asked that the meeting scheduled for Saturday in London be advanced. Based on what we can conclude [redacted]

[redacted] we believe that they are very concerned that the hostages (the only Iranian leverage point besides the Jews in Iran) may be killed or captured/ released by the Syrians, Druze, Phalange or Amal in the near future. Waite's contacts with the captors seems to corroborate this assessment. In short,

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Part 1
Declassified/Released on 12-20-1987
under provisions of E.O. 12356
J. B. Reger, National Security Council

357

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time is very short for all parties concerned.

Finally, there is the matter of the longer term strategy for what we should be attempting to accomplish viz a viz the Iran-Iraq war and a more reasonable government in Iran. From my personal discussions with Kimche and Meron it is apparent the the Israelis want: the war to continue at a stalemate, a more moderate Iranian government in the end and will somehow find a way to continue getting their people (Jews) out of Iran through some kind of barter arrangement. In that the first two of their goals are, it would seem, generally congruent w/ our interests, and their last a fact of life, we should probably be seeing the return of the AMCIIT hostages as a subsidiary benefit -- not the primary objective, though it may be a part of the necessary first steps in achieving the broader objectives. While Kimche, Meron, Copp and I all agree that there is a high degree of risk in pursuing the course we have started, we are now so far down the road that stopping what has been started could have even more serious repercussions. We all view the next steps as "confidence building" on the part of both sides. None of us have any illusions about the cast of characters we are dealing with on the other side. They are a primitive, unsophisticated group who are extraordinarily distrustful of the West in general and the Israelis/U.S. in particular. They have not the slightest idea of what is going on in our government or how our system works. Today for example, Gorbah called Copp in absolute confusion over the fact that Rafsanjani had just received a letter from (of all people) Sen. Helms regarding the American Hostages. Since the Iranians are adamant that they not be publicly connected with the seizure, holding or release of the AMCIITs, why, Gorbah wanted to know, was Helms being brought into this "solution to the puzzle." Gorbah reiterated that "Batri ought to have more control over the members of his parliament" than to allow them to confuse an already difficult problem. Dick told him the letter had nothing to do with what we are about, but Gorbah did not seem convinced that this wasn't some sort of effort to embarrass Iran.

Given this very unsophisticated view of things on their part and the distrust that the Iranians obviously feel, we believe that if we stop the current effort at this point and do not at least proceed with a "test" of the current relationship we:

- run the risk of never being able to establish a "foothold" for the longer term goals in that the people we are dealing with will be totally discredited at home; and
- incur the greater likelihood of reprisals against us for "leading them on." These reprisals could take the form of additional hostage seizures, execution of some/all of those now held, or both.

While the threat to carry out sanctions against us has not, to my knowledge, ever arisen (it certainly has not since Kimche/Copp/North have been directly engaged -- and Michael never mentioned it), it is interesting to note that when Copp questioned the bona fides of Gorbah and his cohorts as capable of delivering on their end of the arrangement, Gorbah carefully noted that since these discussions began w/ Michael & Schwimmer, there has not been a single Islamic Jihad bomb threat, hijacking or kidnapping -- and that there would be none if this "worked." D.K., Copp and I regard this to be at least one sign of confidence that this activity may yet prosper. There are some lesser indications of confidence in recent days:

- in response to Copp's demand for funds to be deposited in advance to defray operational costs, and what the Iranians were told were "purchases" on the arms market" a total of \$41M has been deposited;
- the 18 HAWKs delivered last week have been repackaged and are ready for return to origin on the next available flight;
- the parties in Europe continue to stress that their requirements are long-term and that they are anxious to get on with a longer range program

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of Israeli originated support which would include technical assistance w/ sophisticated hardware which is critically needed but deadline (in this regard Gorbach at one point noted that at times they have as few as 50 operational tanks and less than a dozen flyable aircraft).

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With all of the above as a lengthy preamble describing two nearly frantic weeks w/ the Israelis & Iranians, the following proposal has evolved which the Iranians today said they wd like to discuss in detail on Saturday:

-- The total "package" from the Israelis wd consist of 50 I HAWKS w/ PIP (product improvement package) and 3300 basic TOWs.

-- Deliveries wd commence on or about 12 December as follows.

H-hr.	1 707 w/300 TOWs = 1 AMCIT
H+10hrs.	1 707 (same A/C) w/300 TOWs = 1 AMCIT
H+15hrs.	1 747 w/50 HAWKS & 400 TOWs = 2 AMCITs
H+20hrs.	1 707 w/300 TOWs = 1 AMCIT
H+24hrs.	1 747 w/2000 TOWs = French Hostage

3320

All involved on our side recognize that this does not meet one of the basic criteria established at the opening of this venture: a single transaction which wd be preceded by a release of the hostages. However, given the points above regarding the mutual distrust in the dialogue, we all believe it is about the only way we can get the overall process moving. Measures have been taken to reduce the chance for duplicity on the part of the Iranians and to preserve a measure of OPSEC in carrying out the transaction. In the case of a double cross, one of the Iranians will be in the hands of assets we control throughout. One of them [redacted] has already suffered a serious (though apparently not fatal) heart attack after last week's HAWK transaction failed to produce results. The first two deliveries, via 707 freighters are relatively small and if they do not produce the desired outcomes, all else stops. All \$ are now under our control.

OpSEC concerns are threefold: communications, deliveries enroute to Iran and replenishment of the Israeli stocks. To solve the first problem an OPs Code is now in use by all parties. This code is similar to the one used to oversee deliveries to the Nicaraguan Resistance and has never been compromised. The delivery/flight planning security problem has been solved by a much more deliberate selection of aircraft and aircrews as well as a series of transient airfields which can be used enroute to the field controlled by the Iranian Army at Tabriz. Appropriate arrangements have also been made to ensure that the overflight of [redacted] is not challenged. All A/C will be inspected by one of the Iranians at a transient location between Tel Aviv and Tabriz. Before the A/C actually crosses into Iranian airspace, the appropriate release(s) must occur. The last OPSEC concern, that of replenishing Israeli stocks, is probably the most delicate issue. The quantity of TOWs requested represents [redacted] Meron and I are working w/ the Israeli purchasing office in NYC to ensure that the replenishment can be accomplished quickly after December 12 as possible. All recognize that quantities [redacted] degrade Israeli readiness and that the items will need to be dispatched quickly in order to preclude disaffection and leaks. Meron has solved at least one of the problems in this regard by identifying a means of transferring the required cash to an IDF account which will allow cash (rather than FMS credit) purchases from the U.S.

In order to put this plan into action, Kinche, Copp, Schwimmer and Goode plan to meet in London on Saturday morning to review all arrangements. If

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we are satisfied that all our assets (money, aircraft, aircrews, transit facilities, overflight arrangements and military equipment) are prepared. Copp and Kimche will meet at another hotel with Gorba and [redacted] to finalize the plan. Our side will then reconvene later in the evening at our hotel to review any last-minute changes. I wd then call you (using the Ops code), transmit the agreed upon arrangements for approval and, if you concur, Kimche & Copp will meet again w/ the Iranians on Sunday a.m. to express our agreement with the plan. Copp & Goode wd return to the U.S. Sunday p.m. on separate flights. On the 11th, the day before the plan is to be executed, Copp will establish a CP in [redacted] at the [redacted] controlled airfield [redacted] where he can monitor implementation and stop it at any point we desire. The secondary fields [redacted] will be covered by Copp controlled assets who are not witting of the true origin, destination or contents of the A/C but who can "fix" things in a hurry if something goes wrong. One of our other people will be in contact in [redacted] throughout.

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[redacted]

Once in hand, the hostages will be flown [redacted] to Larnaca on our Navy MH-53 where they will be picked up by a EUCOM C-119 and flown to Wiesbaden for debriefing. 18hrs later Oakley will proceed from Andrews AFB to Wiesbaden with family members -- thus allowing us 74 uninterrupted hours for debriefing. The debrief team will be staged at Wiesbaden 12 hours in advance, just as we did two weeks ago without notoriety. Dewey is the only other person fully witting of this entire plan. Copp is not briefed on [redacted] though he suspects. The Israelis are in the same position. Dewey and I have been through the whole concept twice looking for holes and can find little that can be done to improve it given the "trust factor" with the Iranians. In that all parties involved have great interest in keeping this as quiet as possible, [redacted] we believe it to be worth the risk. I have not confided in Dewey re the longer term goals we could/should hope to achieve. Thus, the only parties fully aware of all dimensions of what we are about are you and RCM.

I have given careful consideration to what you suggested re an RCM meeting with the Iranians in an effort to obtain release of the hostages before starting on an effort to undo the present regime in Tehran. Like you and Bud, I find the idea of bartering over the lives of these poor men repugnant. Nonetheless, I believe that we are, at this point, barring unforeseen developments in London or Tel Aviv, too far along with the Iranians to risk turning back now. If we do not at least make one more try at this point, we stand a good chance of condemning some or all to death and a renewed wave of Islamic Jihad terrorism. While the risks of proceeding are significant, the risks of not trying one last time are even greater.

END OF NOTE

L23 C30

From: NSOLN --CPUA
To: NSJMP --CPUA

Date and time 12/04/85 02:02:55

*** Reply to note of 08/31/85 13:26

-- ~~SECRET~~ --

NOTE FROM: OLIVER NORTH
Subject: PRIVATE BLANK CHECK
Subject: Current Status of Operation Recovery: Following summary is

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EXHIBIT DRC-9

20 Nov 86

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Testimony
21 November 1986

Throughout the Reagan Administration, both the national security community and the intelligence community have been keenly aware and constantly concerned about the geopolitical position and the strategic significance of Iran. Much thought and effort has been devoted to how we might develop contacts and relationships which would provide a better understanding of what is happening there and ~~establish~~ ^{and} contacts and relationships which might lead to improved relationships later on.

[recall speaking to [REDACTED]

about the importance of ~~our~~ identifying and establishing contact with leaders in a ~~future~~ 1986 [REDACTED]

will emerge to lead Iran in the future, but that we must gather all the strands and hold them in our hands so that we will be ready. [REDACTED]

In the fall of 1985, Bud McFarlane, after a meeting which he and his deputy had with me and my deputy, asked me to stay behind. He told me about discussions he had had at the highest levels in Israel urging the desirability of discussions with officials in Iran and offering channels of access. ^{He told me that such a channel of contact would lead to} I distinctly recall McFarlane emphasizing that the purpose of such discussions would be the future relationships with Iran and its great importance in the East-West and Middle East-Persian Gulf equation. The Israelis wanted to put us in touch with an Iranian expatriate. The Israelis said they had checked out this man's background and contacts exhaustively and had high confidence in the quality of his relationship with high Iranian officials.

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Partially Declassified/Released 22 June 1987

Under Executive Order 11652
by S. Rowe, National Security Council

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McFarlane had been told that at the time of the TWA 747 hijacking in 1985, the Israelis had asked this Iranian expatriate to use his influence with senior Iranian officials to obtain the release of some of the hijacked passengers. Just two days later, four Americans who had been ^{inspired from} ~~inspired from~~ the bulk of the hijacked passengers were freed and turned over to Syrian authorities. The Speaker of the Majlis, Rafsanjani, ^{had been} was traveling in the Middle East at the time with Iranian Foreign Minister Velayati and were believed to have intervened with the captors to release the four Americans. Rafsanjani, in a speech on 4 November 1986 (~~October 1986~~), for the first time publicly acknowledged his role in securing the freedom of the hijacked passengers.

In late November 1985, the NSC asked our officers to recommend a charter airline, the reliability of which we could vouch for, to carry some cargo from Tel Aviv into Iran. Our [redacted] was told that there was some urgency about this in connection with a meeting in Geneva between an Iranian official, the expatriate intermediary, and private U.S. citizens. Our [redacted] recommended a proprietary of theirs called [redacted]. This fictitious airline regularly took on commercial ventures ^{and} ~~and~~ did not know what was being moved. When the plane got to Tel Aviv, the pilots were told the cargo was spare parts for the oil fields and was to go into Tabriz. Our [redacted] decided that in order to protect the plane, our [redacted] should be asked to get flight clearances into Iran. On 25 November 1985, the plane dropped the cargo in Tehran without knowing what it was. The Israelis were unwitting that the plane was a CIA proprietary and the airline charged the normal commercial rate which was approximately \$127 ^{million} ~~million~~. Our Associate Deputy Director for Operations authorized the flight because of the alleged

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urgency of the requirement, ^{the} ~~in consultation~~ ^{When} with the Deputy Director ^{was con-} ~~it was~~
 decided that we would not provide any future support of flights into Iran
 in the absence of a finding.

We didn't learn until sometime in January 1986 that the shipment involved 18 air defense missiles and that it was later rejected by the Iranians on the basis that it was not what the Iranians had ordered from the Israelis. In this affair, our air proprietary had been made available to accommodate a delivery requirement in which the NSC was interested and the shipment was billed and paid for at the normal rates charged by our air proprietary.

In the meantime, the policy of probing the possibility of discussions with Iranian officials, including small shipments of arms to establish our good faith and to induce them to use their influence with those holding our hostages, was discussed at one or two meetings of the NSPG principals. There were differences of view about the desirability of this policy, but it was finally decided that it should be cautiously pursued.

On 6-8 December 1985, Bud McFarlane, then National Security Advisor, met in London with the Israeli officials and the Iranian expatriate. At this meeting, Mr. McFarlane stated our goals of pursuing the relationship with Iran were these:

- Devising a formula for reestablishing a strategic relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism.
- Helping ensure the territorial integrity of Iran and coordinating ways to counter Soviet activities in the region.

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Mr. McFarlane made clear that in this relationship we would expect Iran to use its influence to achieve the release of Western hostages in Lebanon. We also made it clear that we could not and would not engage in trading arms for hostages.

On 17 January 1986, a Presidential Finding was signed directing the CIA to provide operational and logistical support for a program aimed at (1) establishing a more moderate government in Iran, (2) obtaining intelligence to determine the current Iranian government's intentions with respect to its neighbors and with respect to terrorist acts, and (3) furthering the release of American hostages held in Beirut and preventing further terrorist acts by these groups.

The Finding stated that the USG will provide moderate elements within the government of Iran with arms equipment and related material in order to enhance the credibility of these elements in their efforts to achieve a more moderate government in Iran by demonstrating their ability to obtain resources to defend their country.

In the Finding, the President directed the CIA to refrain from reporting the Finding to the Congress as provided in Section 501 of the National Security Act of 1947, as amended, until otherwise directed.

At the time the Presidential Finding was signed, the CIA's Office of General Counsel provided the legal opinion that the President clearly has the authority to withhold prior notice of operations from the Congress. Section 501 of the National Security Act expressly provides that notification of intelligence activities to the Congress shall be provided "to the extent consistent with all applicable authorities and duties, including those conferred by the Constitution."

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The Act also states that the Intelligence Committees be informed of activities for which no prior notice was given at the appropriate time as determined by the President. This was a clear recognition that extraordinary circumstances could lead the President to conclude that notice of an operation should be withheld, in whole or in part.

The history to the Oversight Act shows that an accommodation recognizing both the President's constitutional responsibility and authority and the Congressional oversight responsibility and authority was reached in this legislative process. The subsequent procedures agreed upon by the DCI and the SSCI on reporting covert action operations provide that advanced reporting of such operations would also be subject to the exceptional circumstances contemplated in Section 501 of the National Security Act.

The President determined that the activities authorized by the Finding justified withholding prior notification due to the extreme sensitivity of the dialogue being established. His advisors recognized that if the fact of this program became known, the American hostages in Lebanon would be put at a greater risk.

On 5-7 February 1986, U.S. officials from the NSC and CIA met in Germany with representatives of the Israeli Prime Ministry and a senior-level Iranian official. At this meeting, the Iranians agreed that if the USG would provide TOW weapons to Iran, they would.

The U.S. agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

-- The Iranian intermediary would deposit funds in an Israeli account.

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-- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.

-- Using these funds, the CIA would covertly obtain materiel authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using these procedures, funds were deposited in the CIA account in Geneva on 11 February 1986 and on 14 February 1,000 TOWs were transported to Israel for pre-positioning. These TOWs were transferred by CIA from DoD (U.S. Army stocks in Anniston, Alabama) and transported through [REDACTED] using standard CIA-DoD [REDACTED] logistics arrangements. Policy-level coordination for these arrangements was effected by NSC (North) with DoD (Armitage and Koch) and CIA (Clair George). The TOWs were placed in a covert Israeli facility awaiting onward shipment.

On 19-21 February, U.S. and Iranian officials (NSC and CIA) met again in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced in the morning of 20 February and completed in two transits to Tehran on 21 February. Transportation from Israel to Iran was aboard a false flag Israeli aircraft.

On 7 March, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

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Based on [REDACTED] of [REDACTED] met face-to-face with top-level Iranian officials, on 15 May the President authorized a secret mission to [REDACTED] by former National Security Advisor McFarlane, accompanied by a CIA [REDACTED] CIA communicators, members of the NSC Staff, and the Israeli and Iranian interlocutors. In order to ensure operational security, the trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (HAMM spare electronic parts). At the specific request of the Iranians, alias foreign documentation [REDACTED] obtained from the CIA--was used.

In the course of the four-day (25-29 May) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess firsthand the internal political dynamic in Tehran and the effect of the war on Iran. Using Presidentially-approved Terms of Reference, which had [REDACTED] and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest [REDACTED] through dialogue.

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On 10 June, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On 26 July, Father Lawrence Jenco was released in the Bekka Valley and found his way to a Syrian military checkpoint. On 3 August, three pallets (less than 1/2 plane load) of electronic parts for Iranian anti-aircraft defenses (NAME missile sub-component) arrived in Tehran (from Israel).

In mid-August, two contacts were made with Iran. George Cave made contact with [REDACTED] and Ollie North made contact with [REDACTED] of the senior Iranian officials. Through August, September, and October 1980, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts. During the 26 October 1980 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranian [REDACTED] urged that we take a more active role in [REDACTED] and [REDACTED] suggestion again that if we could provide additional TOW weapons to Iran.

also proffered, and the U.S. accepted, the offer of a

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At this meeting, [redacted] stated that there was a "very good chance that another American or two would be freed soon." On 29 October, with U.S. acquiescence, Israel provided Iran with an additional increment of defensive weapons (500 TOW missiles).

These discussions with [redacted] satisfied us first that we were directly in touch with top leadership in Iran and that there was some interest in working together in converging the strategic interests of Iran and the U.S. and our moderate Arab friends in the Persian Gulf in protecting them from the threat of Soviet aggression.

Late on 31 October, [redacted] called the U.S. citizen (Hakim) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of an American--David Jacobsen and an uncertain number of French hostages. He further noted that this was part of the purpose of the Iranian Foreign Minister's visit to Beirut. On 2 November, David Jacobsen was released by his captors from the U.S. Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy officer to West Beirut to pick up Mr. Jacobsen.

It now appears that persistent U.S. efforts to establish contact with Iran have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. Apparently to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a purposely distorted version of the May 1986 McFarlane mission in his 4 November address to the menses.

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The arrest of Mehdi Reshadi

Despite these internal difficulties and attendant publicity in the Western media, the Iranians continue to maintain direct contact with the USG and met again in Geneva on 9-10 November with NSC and CIA representatives.

It is important to note that since the initiation of the [redacted] with Iran, there has been no evidence of Iranian government complicity in acts of terrorism against the U.S. We believe that the September-October kidnappings of Messrs. Reed, Cicippio, and Tracy were undertaken in an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the moderate faction with which we have been in contact.

Contrary to speculative reports that these hostages were taken in order to stimulate the acquisition of more arms, they were most likely captured in order to prevent the very rapprochement Iran we are seeking.

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DCI's Iran Testimony for HPSCI and SSCL
21 November 1986

N 10007

Throughout the Reagan Administration, both the national security community and the intelligence community have been keenly aware and constantly concerned about the geopolitical position and the strategic significance of Iran. Much thought and effort has been devoted to how we might develop contacts and relationships which would provide a better understanding of what is happening there and establish contacts and relationships which might lead to improved relationships later on.

I recall speaking to [REDACTED]

[REDACTED] about the importance of our identifying and establishing contact with leaders in a future Iran.

[REDACTED] said that we do not know who will emerge to lead Iran in the future, but that we must gather all the strands and hold them in our hands so that we will be ready.

In the early fall of 1985, Bud McFarlane, after one of the weekly meetings which he and his deputy had with me and my deputy, asked me to stay behind. He told me about discussions he had had at the highest levels in Israel urging the desirability of discussions with officials in Iran and offering channels of access. He told me that, for obvious reasons, only a handful of people in the Israeli and American governments were to be told about this effort. I distinctly recall McFarlane emphasizing that the purpose of such discussions would be the future relationships with Iran and Iran's great importance in the East-West and Middle East-Persian Gulf equation.

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- 1 copy of E.O. 12958
- 1 copy of Declass. Policy

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CIA's involvement began when the Agency was asked to recommend a reliable airline that could transport bulky oil-drilling parts to an unspecified destination in the Middle East. We recommended a proprietary of ours called [REDACTED]. This little airline regularly took on commercial ventures. Neither the airline nor CIA knew the cargo consisted of 18 Hawk missiles. When the plane got to Tel Aviv, the pilots were told the cargo was spare parts for the oil fields and was to go into Tabriz. Our [REDACTED] decided that in order to protect the plane, [REDACTED] should be asked to get flight clearances into Iran. On 25 November 1985, the plane dropped the cargo in Tehran. To the best of our knowledge, neither the Israelis nor the Iranians knew that they were dealing with a CIA proprietary, nor did airline personnel know what they were carrying. The airline was paid the normal commercial rate which amounted to approximately \$127,700. I should stress that the airline does a considerable amount of normal business in addition to its support to CIA. [REDACTED]

Our Associate Deputy Director for Operations authorized the flight because of the alleged urgency of the requirement. When the Deputy Director was consulted on 25 November, it was decided that we would not provide any future support of flights into Iran in the absence of a finding.

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In the meantime, the Israeli proposal of probing the possibility of discussions with Iranian officials, including making small shipments of arms to establish our good faith and to induce them to use their influence with those holding our hostages, was discussed at one or two meetings of the NSPG principals. There were differences of view about the desirability of this policy, but it was finally decided that it should be cautiously pursued.

On 7 December 1985, Bud McFarlane, then National Security Advisor, met in London with Israeli officials and the Iranian expatriate who was their intermediary to the Iranian government. At this meeting, Mr. McFarlane stated our goals of pursuing the relationship with Iran were these:

- Devising a formula for reestablishing a strategic relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism.
- Helping ensure the territorial integrity of Iran and coordinating ways to counter Soviet activities in the region.

Mr. McFarlane made clear that in this relationship we would expect Iran to use its influence to achieve the release of Western hostages in Lebanon. He also made it clear that we could not and would not engage in trading arms for hostages. This matter was discussed again several times with the President and others in the national security community following the December McFarlane trip.

On 17 January 1986, a Presidential Finding was signed directing the CIA to provide operational and logistical support for a program aimed at (1) establishing a more moderate government in Iran, (2) obtaining intelligence to determine the current Iranian government's intentions with respect to its neighbors and with respect to terrorist acts, and (3) furthering the release of American hostages held in Beirut and preventing further terrorist acts by these groups.

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The Finding stated that the USG would provide moderate elements within and without the government of Iran with arms equipment and related materiel in order to enhance the credibility of these elements in their efforts to achieve a more moderate government in Iran by demonstrating their ability to obtain resources to defend their country.

In the Finding, the President directed the CIA to refrain from reporting the Finding to the Congress until otherwise directed. The Finding was reviewed and concurred in by the Attorney General.

At the time the Presidential Finding was being drafted, the CIA's Office of General Counsel provided the legal opinion that the President has the authority to withhold prior notice of operations from the Congress. Section 501 of the National Security Act expressly provides that notification of intelligence activities to the Congress shall be provided "to the extent consistent with all applicable authorities and duties, including those conferred by the Constitution."

The Act also states that the Intelligence Committees be informed of activities for which no prior notice was given at the appropriate time as determined by the President. This was a clear recognition that extraordinary circumstances could lead the President to conclude that notice of an operation should be withheld, in whole or in part.

The history to the Oversight Act shows that an accommodation recognizing both the President's constitutional responsibility and authority and the Congressional oversight responsibility and authority was reached in this legislative process. The subsequent procedures agreed upon by the DCI and the SSCI on reporting covert action operations provide that advance reporting of such operations would also be subject to the exceptional circumstances contemplated in Section 501 of the National Security Act.

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The President has instructed me to advise you that he determined that the activities authorized by the Finding justified withholding prior notification due to the extreme sensitivity of the dialogue being established. He determined that if the fact of this program became known, those carrying out the dialogue (both U.S. and Iranian) and the American hostages in Lebanon would be put at a greater risk.

There have only been two Findings since the inception of the oversight process ten years ago which have not been briefed to Congress. This is one. The second was the Iranian hostage rescue mission.

Now I would like to explain exactly what activities were undertaken by the CIA in carrying out the directives of this Finding signed on 17 January 1986.

On 5-7 February 1986, U.S. officials (NSC), a representative of the Israeli Prime Ministry (Amir'an Nir), and a senior-level Iranian official

met in Germany. At this meeting, the U.S. side emphasized its desire to enter into a strategic dialogue with the Iranian side. The Iranians raised their desire to receive U.S. weapons. The U.S. agreed to explore this possibility. Working with the Israelis, the following mechanism for transfer of the weapons was established:

- The Iranian intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The funds would then be transferred to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would work with the Army Logistics Command to obtain the materiel.
- The materiel would then be transported to Israel for future shipment to Iran.

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Using these procedures, \$3.7 million was deposited in the CIA account in Geneva on 11 February 1986 for the purchase of 1,000 TOW missiles and associated costs.

On 15 February, Office of Logistics personnel delivered the 1,000 TOW missiles to Kelly Air Force Base. The missiles were then transported to Israel for onward shipment to Iran. CIA was not involved in the transportation of this shipment.

On 19-21 February, U.S. (NSC and CIA) and Iranian officials met again in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity and support for the faction we were talking to. This delivery was commenced on the morning of 20 February and completed in two transits to Tehran on 21 February. Transportation from Israel to Iran was aboard a false flag Israeli aircraft.

On 24 February, the same U.S. officials traveled to Germany where they met with the intermediary and an Iranian government official. At that meeting, the Iranian official provided a list of varying quantities of approximately 240 different spare parts needed for the Hawk missile batteries provided by the USG to Iran during the Shah's reign. The Iranian official asked for USG assistance in obtaining these spare parts as additional proof that this channel had the approval of the highest authority in the USG.

On 25 February, the U.S. officials, as they continued to do in later contacts with the Iranians, provided the Iranians with limited information designed to encourage an Iranian decision to negotiate an end to the war and increase Iranian awareness of the Soviet threat to Iran.

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Throughout March and April, the Office of Logistics worked with DoD to clarify the items on the Iranians' list of spare parts and identify which items were in DoD stocks.

On 7 March, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on 15 May the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA consultant, a CIA communicator, members of the NSC Staff, and the Israeli and Iranian interlocutors.

On 16 May 1986, the Iranians provided \$6.5 million through an intermediary for Hawk spare parts and an additional 508 TOW missiles. The receipt of the Iranian funds set into motion arrangements for the planned visit to Iran as follows:

- The Office of Communications provided secure communication equipment and the services of a communications officer to travel to Iran with the U.S. team
- The Office of Technical Service was tasked to provide ten [REDACTED] passports for use by the team and the air crew of the aircraft that would fly from Israel to Tehran. The Iranians insisted on the use of non-U.S. passports [REDACTED] passports were chosen because the Israeli aircraft used for the journey carried [REDACTED] registration numbers.

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-- The Office of Logistics assembled the available Hawk missile spare parts at Kelly Air Force Base. The parts were then transported to Israel by a private contractor (Southern Air Transport).

-- The Office of Logistics delivered 508 TOW missiles to Kelly Air Force Base for onward shipment to Israel by private contractor (Southern Air Transport).

On 25 May, the U.S. team traveled to Tehran via Israel. The CIA provided two members of the team--a communications officer and a Farsi speaking annuitant with considerable experience in Iranian affairs. The annuitant provided translation services and advice to the team. He continued to be involved in subsequent meetings with Iranian representatives.

The U.S. team brought a single aircraft pallet of Hawk missile spare parts with them to Tehran at the time of the meeting. However, it was decided that the greater portion of the spare parts would stay in Israel for later delivery to Iran pending further progress in establishing the dialogue. We understand that those spare parts were ultimately delivered to Iran.

The 25-29 May meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first-hand the internal political dynamic in Tehran and the effect of the war on Iran. Using Presidentially-approved Terms of Reference, which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

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- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest [REDACTED] through dialogue.

On 19 September, three Iranians traveled to the U.S. for detailed discussions with the U.S. team. These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran.

Throughout August and September, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts in an effort to develop the dialogue authorized by the Presidential Finding.

On 6 October, those Iranians traveled to Frankfurt for meetings with the U.S. team. [REDACTED]

On 26 October, more meetings were held in Frankfurt with the same participants. [REDACTED]

The Iranians proffered, and the U.S. accepted, the offer of a Soviet T-72 tank [REDACTED] That tank should be in our hands shortly.

On 2 November, the Iranians provided \$2.037 million and the Office of Logistics procured 500 more TOW missiles from DoD.

Those missiles were delivered by the Office of Logistics to Kelly Air Force Base on 6 November. A USAF C-141 aircraft carried the missiles to [REDACTED] where they were transshipped by a CIA air proprietary aircraft which carried the missiles to Israel.

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This brings the record of CIA involvement in these activities authorized by the 17 January 1986 Presidential Finding up to date as of the present time. We should note that none of the weapons came from CIA stocks.

We have received no requests to acquire any more materiel of any type for shipment to Iran under this program.

I would like to reiterate that the funds for the procurement of the materiel enumerated above, as well as for all associated costs, were provided by the Iranians themselves. Funding from Iran was transferred to CIA for deposit in a covert funding mechanism. This action provided secure means for control, payment, and accountability of all funding associated with this program. The Iranian funds, a total of \$12,237,000, were deposited into a special account in a Swiss bank.

The only costs incurred by the CIA in this activity were expenses for the travel of CIA officers involved in the various meetings, the costs of hotel rooms [REDACTED]

operational support [REDACTED]

amounting to approximately \$48,000. The costs for this support have been charged against normal operational accounts. Since all travel by CIA officials is routinely charged to such accounts, to do otherwise in the case of the trips undertaken during this program would have compromised the security of the activities.

Let me make it perfectly clear that it was apparent to all that this initiative was a controversial one. Even those of us who supported going forward understood that it was a close call and a risky operation. There were no illusions.

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Was it a reasonable call? Yes, I think it was. As the health of Khomeini has declined over the past year, we have seen an increase in factional infighting in Tehran. This infighting has been sharpened by severe economic problems, as well as the war with Iraq. There have been numerous arrests. This factional infighting has implications for both the United States and the Soviet Union. It was the Administration's judgment that any powerful Iranian faction seeking to reestablish ties with the West and willing to attempt to curtail Iranian support for terrorism was worth talking to.

It was in that context that the judgment was made that providing a small amount of defensive weapons would give this faction some leverage in the internal struggle by suggesting that there were advantages in contacts with the West.

As I stated earlier, Iran is not going to go away. Its geographic and strategic positions guarantee that it will remain a geopolitical force which the U.S. will have to deal with. If we do not establish ties to the various Iranian factions now we will be faced with the problem of doing so later. It is that simple.

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SUBJECT: CIA Airline Involvement

In late November 1985, a CIA proprietary airline was chartered to carry cargo to Iran at the NSC's request. The cargo was described to us as oil drilling spare parts. Although we did not know it at the time, the cargo was actually 18 Hawk missiles. The chronology of the incident is as follows:

On 22 November 1985, the NSC contacted the Agency with an urgent request for the name of a discreet, reliable airline that could transport bulky oil-drilling parts to an unspecified destination in the Middle East.

We offered the name of the CIA's proprietary airline as a company which could handle the NSC request. The NSC passed the name of our airline to ~~their intermediary with the Iranians~~ *the Israelis*.

In the interim, we contacted our airline and told them that they would be receiving an urgent, legitimate charter request. The NSC intermediary contacted the airline that evening (22 November) and made arrangements for the airline to pick-up the parts in [redacted] *operated by this proprietor*.

The destination was changed to Tel Aviv and two of our ~~airline's~~ Boeing 707's arrived in Tel Aviv 23 November. The cargo was ultimately loaded onto only one of the aircraft. Loading was completed by 24 November and the aircraft proceeded to Iran via a stop at [redacted] and then overflying [redacted]. At the NSC's request, and for the protection of our aircraft, we helped arrange for the overflight clearances.

To the best of our knowledge, ~~the intermediary did not know~~ *neither Israelis nor the Iranians know* that they were dealing with a CIA proprietary, nor did airline personnel know what they were carrying. ~~However, it is not true~~ *by the Israelis* out that our airline had hauled Hawk missiles into Iran until mid-January when we were told by the Iranians.

The airline was paid the normal commercial rate which amounted to approximately \$127,700. I should stress that the airline does a considerable amount of normal business in addition to its support to CIA. It had, in fact, made another ~~legitimate~~ *unrelated* flight into Tehran carrying commercial items prior to the 22-25 November incident.

Senior CIA management found out about the flight on 25 November. ~~February~~ *February*. Although we did not know the nature of the cargo, we thought that any future support of this type to the NSC would require a Finding.

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 were processed at E.O. 12356
 by K. Johnson, National Security Council

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CJC notes & miscellaneous
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CJC NOTES OF DISCUSSION AMONG MCFARLANE, AG MEESE, & CJC
(11/21/86)

On November 21, 1986, Attorney General Meese and Assistant Attorney General Cooper interviewed Robert McFarlane concerning events surrounding recent contacts with certain elements of the Iranian government. The interview took place in the AG's office.

The AG opened the interview by explaining that the President had asked him to develop an accurate and complete account of the facts relating to the Iranian contacts. The AG briefly summarized his understanding of the major events in the chronology of these events and asked McFarlane to describe, to the best of his recollection, all events relating to contacts with Iran, with particular emphasis on anything having to do with American military supplies or weapons.

McFarlane (hereinafter referred to as "M") stated that his first contact on this issue came on July 3, 1985, when Kimche, Eli Rubenstein, and perhaps others from Israel met with M in the latter's office. M also noted that Kimche phoned M on July 30 to set up an August meeting on this subject. On August 2, 1985, Kimche (who is Director-General of the Israel Foreign Ministry) met with M in Washington. At the July 3, 1985 meeting, Kimche advised M that Kimche had been contacted by an Iranian representing elements of the Iranian government seeking change in Iranian policy toward the United States and interested in establishing renewed and cooperative contacts with the U.S.A. These elements of the Iranian government recognized that their country's economy was declining, and that the Soviets were attempting or likely to attempt to exploit the situation. These elements believed that the fundamentalist drive was bad. Kimche believed that his Iranian contacts were legitimate and credible because they had taken certain risks to prove their bona fides. Kimche believed that these elements of the Iranian government might be able to influence the captors of the hostages, but a quid pro quo in terms of military support would eventually be necessary.

In mid-July, around the 13th, M briefed the President, along with Don Regan, at the hospital.

At the August 2, 1985, meeting M told Kimche that the President was interested in establishing a dialogue with these elements of the Iranian government, but was cautious regarding any transfer of arms. M advised Kimche that the President might be willing to provide such support at a later date, after we had become better acquainted with the intentions and good faith of these elements in Iran, and after we had become satisfied with the firmness of their asserted opposition to terrorism. The

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President was not willing, however, to provide any such support at that time.

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21 NOV 86

11/21/86 - McFarlane - AG - LOR

AG - need the facts - total chronology.

AG recaps

1st contact by Kinche -

M. - July 3 - M, K, others ^{from To. (Eli Rubinstein)} met ~~at~~ re this in M's office

July 30 - Kinche phones M. to set up Aug. 2

Aug. 2 - K, M meet in Wash.

(K - director-gen. of For. Minister)

Partially Declassified Pursuant to E.O. 13526
by K. Johnson, National Security Council

(5207)

K. said Iranian made contacts w/ K., +
rec'd elements of Iran seeking chg in policy
& int'd in establishing contact w/ U.S.
Iran's econ. declining, Soviets on border, etc.
Fundamentalist drive bad, they said.

mid-July: (1st?) M. briefed P. in coop. w/ Don Regan.

K. thought the Iranian's were legit bc/ had
taken risks to prove their b.f.K. said a g. p. q. in terms of military support
would eventually be necessary.~~no mention of weapons till 2nd meeting.~~
The Iranian's might be able to influence history thatAug 2 - M told K that Pres. int'd in dialogue,
but cautious re any weapons -- maybe at
some pt later, but not now. - K understood
but suggested that To. provide arms. To. into

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would be gathered (M. ~~was~~ suspected Isr. had already)
 K mentioned replenishment; M said no diff. from
 direct U.S. → Iran. - only Rabin, & Perez
 aware of chat, not ~~the~~ ^{the} ~~is~~ ^{is} no partic. type
 of arms mentioned.
 M. acknowledged that Isr. would later be able

M. Ledeen - periodically would tell M. that he was going
 somewhere (Is.) & should be kept if Is had
 contacts w/ Ir. - M said of course.

after 2nd K-M meeting Ledeen gave M
 confirmatory info re Isr / Iran channel.

M. thinks he talked w/ G. Schutte in July or Aug. &
 these matters - Poin. remembers meeting w/
 Family Group in hosp. - or in residence - P in
 pajamas.

M. doubts that Pres called Perez when Wari released.

[REDACTED]

M. guesses he learned of 508 Tows from Ledeen
 M briefed P. - Cap. G.S., & Casey, present, M
 thinks. At time M. told it was 400± Tows.
 M. ~~was~~ came to T. had idea

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that it hadn't worked out that way (all hostages).
 No. issue of Arms E.C.A. came up; bc/ we weren't
 providing arms directly to Iran (per E.O.) - clc
 that must report direct transfer. No one ment-
 ed that Is → Ir arms would vto A.E.C.A.

M. knows of no one in U.S.G. who had come
 w/ Ir. re transfer of 508 TOWS. ~~ES~~

Dec. 7 - W.H. meeting. - afterwards M, N, went to
 London + met w/ ~~Shorbanifer~~ Shorbanifer (?), who
 described his associates. Said they were
 vulnerable, needed arms to reach out to military
 their support. - no mention of kind of arms -
 M said no arms.

Nov. - Hawks -

M thinks he first learned of it when ~~ES~~ briefed
 for trip to ~~Iran~~ Iran - May.

~~The~~ Iran sent back Hawks bc/ couldn't reach
 hi - altitude bomber.

N. briefed M - he was action - officer on the
 being out on Nov.

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Nov. 16 or 17 At summit in Geneva learned that Isr. had shipped oil equipment. Rabin called from N.Y. & said they have ~~a~~ problem w/ shipment to Iran. M. asked N. to assist. N. ret'd back that Isr. hit snag in customs in ~~██████████~~, & that it may take a call to Prime Min^r - a couple of days later he talked w/ ~~██████████~~ - M. said it was an important project & ^{he} appreciate his assistance. M. remembers no mention in all this of arms.

M. didn't know this involved procuring a plane; doesn't remember chat w/ G.S., but probably had one.

Steven Thinks

+ Dec 4 -- K visits Wash. to urge M. not to resign. (which had been rumored). M. said U.S. int'l in polit. matters -- M. doesn't remember talk re Towi, or other arms, but if war, M. reaffirm our refusal

Dec 7 - M. said we should ~~not~~ provide arms
no talk re problem w/ arms already given by Isr.

Then M, N. went to London.

No recall of talk w/ N. re resolution of Rabin's problem.

M. now asks "was CIA involved, (in Nov. matter) ^{cor}

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~~Dec~~ Dec London meeting - Iranian said need ar
to strengthen his associates. - M said no can d
separate ~~meeting~~ meeting just w/ ~~Iranian~~ ^{+N} - Said disturbed
about Tows - can't approve it.

M briefed P. upon return - recommended that
we not do business w/ this Iranian - shady,
no training, was not looking at our larger
scope, but just arms.

No one in London suggested link between the
~~508~~ 508 Tows + Wei's release.

G.S. came to M. in ^{Calif} Oct. weekend before 24th &
M suggested that he was thinking of resigning - M
told P. in latter Nov. - Resigned Dec. 4
effective end of month.

Dec. 11. - M reported the London meeting to Pres.

No decision by USG to go forward w/ an arm
relationship w/ Ir. when M. left.

M. came back in a tpt. to be contact w/ Iran in
May - was made aware of Funding in April.
Was made aware of arms angle in phone calls
from Poin. or N. ~~in when~~

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go to Iran - ~~was~~
 On plane to Iran, N(?) told M nothing -
gently of arms transfers. M expressed dismay;
 the hostages were
 but in details re replenishment, etc.

George Cane was along on trip: interpreter
 Howard Tiesler

M. flew on charter plane - [redacted] - got on
 new plane to Tel Aviv → then got on cargo
 707 to T. Iran. - None were U.S. military
 planes.

Had a [redacted], but no Polio. - N. brought the
 cake.
 There 4 days.

2 CIA communicators were along.

Iranians upped the ante for release of ~~K~~ Kinsate
 M said they were in bad faith, be/ well
 on deal.

all
 deal was ~~hostages~~ for 3 shipments of material
 (had spare Hawk & parts w/ him).

Reigioni assistant. met w/ M on
 last day.

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~~By [redacted]~~

M reported the trip -- & said we should have nothing further to do w/ them. Wait on them to come to us.

I am took the parts, wouldn't give them back.

George Cave

Cap. opposed replacing ⁵⁰⁸Tones - ~~the~~ M didn't oppose.

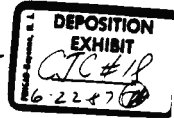
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22 NOV 86

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11/22/86 - A.G., G.S., Hill, CJC



AG: Nov. - Hunt episode

during Geneva summit - after 2d day's meeting (18th)
 M. came to G.S. hotel + said that
 a complex deal was underway -- shipment of arms
 (may have said Hawks) would go to Ir. on
 assumption that hostages would be released.
 The Iranians would know what was on
 board of the plane, but

Hill: M. said plane would go from Ir. to
 [redacted], if hostages released it would
 go to Iran; if not, back to Ir.
 (we would be advised through [redacted] that
 hostages released).

G.S. said very bad idea, didn't think it would
 work. - G.S. was consulted, not for approval.
 G.S. thought it didn't happen, b/c no
 hostages released.

G.S. told [redacted] around Thanksgiving that it
 hadn't worked out, + whole thing shut
 down - + G.S. [redacted] sigh of relief.

A.G. - I recall [redacted] vaguely that the plan
 was described, perhaps at Jan 7 meet

G.S.: Thurs. night - G.S. went to [redacted] W.H. said to

Was told not provide any
 info until it
 was clear
 hostages were released.

Partially Declassified/Released on 11/15/88
 under provisions of E.O. 12356
 by K. Johnson, National Security Council

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see P. & said that some of statements won't stand up to scrutiny - ~~the~~

G.S. advised that M. came to G.S. & told of deal

Pres. said he knew of it - but didn't understand it as arms for hostages, but as part of larger plan.

G.S. rpt'd ~~some~~ Geneva conversation to C. Hill & he made notes.

Family group meeting at residence - M. advised of 500 TOWs Isr → Iran.

G.S. dimly recalls any meeting re this subject, but doesn't recall anything re a completed transfer of TOWs or anything else.

G.S. doesn't recall learning in Sept of any ^{Isr.} transfer of TOWs

Dec. 7. meeting G.S. & Cap firmly argued agt the whole enterprise. M. was to go to London to discuss the whole relationship w/ Iran, including arms & hostages.

As result, P. allowed M. to go, but

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3-22

was not to discuss arms - Iran then had no interest, but no arms. G.S. was told after, & again, that the whole deal was over. - G.S. relieved again.

Jan 7th meeting - G.S. still strongly agot, but all others in favor (except Coe). The need for finding was discussed. All policy arguments were ventilated - including arms for hostages arguments.

Casey & A.G. referred to the [redacted] / state legal theory re [redacted].

A.G. met w/ Poin & Casey on Jan 16 & thinks he went over the legal basis of finding.

Poin told G.S. from time-to-time of the strong people we were dealing w/.

late-May⁸⁶ Someone walked into London Embassy & told of large arms dealers doing business in Iran. Chas. Price - Embassy sent cable to G.S. in Tokyo in June & G.S. again informed Regan to stop it.

In June⁸⁶ told by Casey & Poin that it hasn't worked out & is over.

In Oct⁸⁶, learned of hostage release, & had secure.

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call from Poni, who said the activities had cont'd
 + expected other 2 hostages to be released
 State has been cut off of all cable traffic, etc
 on orders of W.H. Turned down as recently as
 yesterday.

Re Geneva chat: G.S. thinks the knife approach
 in July was preceded by an approach to
 Israelis by Ledeer, but'd by M. - State
 Dept learned of Ledeer's activities (secret
 mission by i + .) - G.S. complained to M.

Louis learned of
 it, but Israelis
 would not tell
 him of it, but
 him would
 tell G.S. when
 came to Wash.

Then K approach. M + G.S. heard of it while
 abroad, + th it was a proposal to
 contact Iran + would involve arms +
 hostages.

Rabins didn't mention when in Wash.

June '85? - ~~after~~
 Draft NSDD. sent around this time to Cap + G.S.
 G.S. wrote formal response saying Loney idea
 Cap apparently said "abound." - be/ NSDD
 draft discussed relationship of arms + hostages.

Sept of '86 - Ledeer tried to see G.S. to brief on
 all aspects of Iran - ~~declined.~~

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3104

On last Monday -

(fly to [redacted] + arms would be transferred to another plane)

Hill: M. said plane would be loaded in [redacted] Iran; would
~~be off if one shot of [redacted] then~~ would go
 to Iran if hostages released; to Isr
 if not.

Tiny Rolando - } came to London Embassy + discussed
 Adnan Khasshagi - } ???

will get
 nothing out
 of it. Point
 we got
 out of it.

In response to G.S. point that this is bad idea + that
 Bin. says [redacted] not responsible for Wein released
 - was released for something we did.

[redacted]

per Hill: Day after Wein released, TV. news stories said a plane was
 being loaded in Isr. with spare parts for Iran; +
 linked it to [redacted] that K. had met w/ American official in London.

1/11: Early Sept '85 military [redacted] operation. [redacted]
 picked up all 7 hostages would be brought to a beach +
 early Sept '85 Ammocoat authorized a false passport for N. to go to
~~Iran~~ Iran to manage operation.

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350 #19
1-82-17

NO DATE

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Secure phone call M-G.S. in Geneva ~~from~~ from
one hotel to another

Nov. 18^{Monday} - 18:05

[REDACTED]

But
talked to K. if hostages to be released
Thurs. Isr. will fly plane w/ 100
it's to [REDACTED] transfer to another
plane, if hostages released, plane to
Ir. If not, Isr. Isr. will
buy from us to replace & be fed
by Iran [REDACTED]

1279

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under provisions of E.O. 12356
by B. Rezer, National Security Council

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12/10/84

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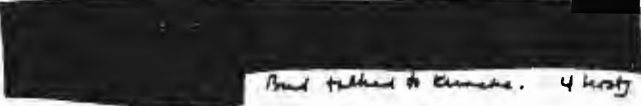

4/8


Hooty

MEF: @ name

7438

+ 6068


 Bond talked to Kinnane. 4 Hooty
 to be released Thursday. It will fly plane 2
 100 hours to  Transfer to another
 plane. If Hooty released, plane will go to
 Iran. If not, mail. It will be
 by plane or replace & be paid by Iran.




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22 NOV 86 4105

11/22/86 - Sporkin, AG, COZ

2 aspects

(1)

something in '85

Ir. + Iranian - N wanted [redacted] to
out & what they could & planned to do. - at M
not K, probably arms dealer

McMahon (around Nov-Dec 85) - sends

Sporkin (two guys) from operations de
who rep - Ed [redacted] (Dep G.C.) wa
there. - told of arms shipment & t
rotation - Sporkin said need find
drafted [redacted] & told McMahon that
should be need -- F had in it
something that would [redacted] to satisfy
anything that had already been de

- thinks it was something to facilitate
arms transfer -- planload of some kind
of arms going to, he thinks, Iran - c
recall of Ir.

1273
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by B. Rees, National Security Council

Jan 5/86

Friday evening called by N.I. (Sporkin advised Can
& Casey said it was OK to see N.

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and
guy

Sporkin rec'd draft [redacted] & made some sug
Sp. & N. meet w/ Casey at home
went over F.; Sporkin suggested that
F. should refer to hostage situation

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(N. said not int be/ G.S. objected) + Sp. said it should be in 7. if it is part of the operation. Reference added re hostage situa

Prior to this, a F. on a sensitive mission Libya had a draft reference re not report to Cong. - was added be/ P. thought's members should be informed.

Jan. 16 - meeting in Dir. office - Cap, Casey, Sp., A.G.,
 [redacted] opinion; Cap. was uncertain + wanted
 do more research - next day to Cap. [redacted] Casey that the legal analysis was sound.

Sp. recalls that there was concern re the damage to hostages if this disclosed prematurely; + Cong. would be told A.S.T. it could cause w/ safety of hostages. They also assumed the hostage matter would be resolved rapidly. A.S.T. hostages in friendly form, Cong. would be told of entire matter

after F. - around early Feb.

1 meeting in Sit. Room, N, 1st Secord, Sp. to discuss a London meeting - never came

Sp. left govt on Feb. 9

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Back to Now - Sporking did draft ~~7~~ 7. + down
with McM. - told him that UCLT can't do the
deal w/o F. --

In chat w/ 2 ops guys ^{the issue of} hostages were
mentioned + the draft F makes ref. to
this aspect of the initial op.

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11/22/86 Dave Donaherty, Ed Dietel, CTR, J.

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26-11-85
 The Director of Central Intelligence
 Washington, DC 20505

86-40627M-

UNCLASSIFIED

26 November 1985

1 0400

MEMORANDUM FOR: Vice Admiral John M. Poindexter, USN
 Deputy Assistant to the President
 for National Security Affairs

SUBJECT: Presidential Finding on Middle East

Pursuant to our conversation this should go to the President for his signature and should not be passed around in any hands below our level.

William J. Casey
 William J. Casey

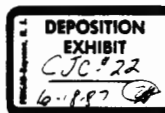
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 As stated

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Classified by 1 May 1987
 Declassify on: E.O. 12958
 Excluded from automatic downgrading and declassification



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Finding Pursuant to Section 662 of the Foreign Assistance Act of 1961, As Amended, Concerning Operations Undertaken by the Central Intelligence Agency in Foreign Countries, Other Than Those Intended Solely for the Purpose of Intelligence Collection

C40

I have been briefed on the efforts being made by private parties to obtain the release of Americans held hostage in the Middle East, and hereby find that the following operations in foreign countries (including all support necessary to such operations) are important to the national security of the United States. Because of the extreme sensitivity of these operations, in the exercise of the President's constitutional authorities, I direct the Director of Central Intelligence not to brief the Congress of the United States, as provided for in Section 501 of the National Security Act of 1947, as amended, until such time as I may direct otherwise.

SCOPE

Hostage Rescue -
Middle East

DESCRIPTION

The provision of assistance by the Central Intelligence Agency to private parties in their attempt to obtain the release of Americans held hostage in the Middle East. Such assistance is to include the provision of transportation, communications, and other necessary support. As part of these efforts certain foreign materiel and munitions may be provided to the Government of Iran which is taking steps to facilitate the release of the American hostages.

All prior actions taken by U.S. Government officials in furtherance of this effort are hereby ratified.

The White House
Washington, D.C.

Date:

7 May 1987

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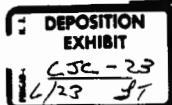
EO 12958-1
DATE 05-09-2000 BY SP-6 BJS/ML

20 NOV 86

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November 20, 1986

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CHRONOLOGY OF EVENTS: U.S.-Iran Dialogue

1985

Jan : Michael Ledeen suggested to the NSC that Israeli contacts may be useful in obtaining release of the U.S. hostages in Lebanon. Ghorbanifar was introduced to Ledeen and the NSC as an Iranian intermediary.

Feb 14: Jeremy Levin escaped.

Jun 14: TWA-847 hijacking. Iranian government officials, contacted by Israelis and Ghorbanifar, help in obtaining the release of four Americans held separately from the rest of the hijacked passengers. Last known instance of Iranian influenced group perpetrating terrorism against U.S. nationals.

Jun : *Copy* Draft NSDD on Iran circulated to principals.

Aug 22: David Kimche met with Bud McFarlane in Washington.

Aug 30: 508 TOW missiles delivered to Iran from Israel.

Sep 01: [REDACTED]

Sep 14: Reverend Benjamin Weir released.

Oct 04: Islamic Jihad claimed it murdered U.S. hostage William Buckley in retaliation for Israeli raids in Tunis.

Nov 17-18: Separate meetings in London with Ghorbanifar and Waite.

Nov 24: Israel delivered 18 HAWK missiles to Iran [REDACTED]

Dec 06-08: Meeting in London with McFarlane and Ghorbanifar.

Dec 20: Hostage Location Task Force (HLTF) formed at CIA.

Dec 22: Ghorbanifar to U.S. for talks with U.S. officials.

Dec 23: Nir became primary Israeli POC.

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21-1787
Under provisions of E.O. 12958
by G. Regan, National Security Council
(1258)

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- Jan 17: Presidential Finding on Iran.
- Feb 05-07: Meetings in Geneva with Nir and Ghorbanifar (CIA and NSC).
- Feb 14: U.S. delivers 1,000 TOWs to Israel.
- Feb 19-21: Meetings in London and Frankfurt (Ghorbanifar [redacted])
- Feb 20-21: 1,000 TOWs delivered to Tehran from Israel.
- Late Feb: 18 HAWK missiles returned to Israel.
- Apr 17: U.S. hostage Peter Kilburn murdered in retaliation for U.S. raid on Libya.
- Apr 22: Ghorbanifar arrested in Switzerland for indebtedness apparently related to the FBI sting of arms sales to Iran by private citizens from the U.S., Germany, and Israel.
- Apr? visits Wash.
- May 09: Planning meeting at CIA (DDO and NSC personnel).
- May 15: Terms of Reference (TOR) approved for establishing a strategic dialogue with Iran. U.S. objectives:
- Establish a correct relationship with Iran.
 - End Iran-Iraq war.
 - Return U.S. hostages.
- May 22-28: Meetings in London [redacted] Cyprus [redacted] and Tel Aviv (Nir and Rabin).
- May 23: U.S. delivers 508 TOWs to Israel (replacements).
- May 24: [redacted]
- May 25-27: McFarlane party to Tehran. Some of the 240 HAWK missile parts accompany the party.
- Jun 10: Rafsanjani news conference containing possible "signal" that Iran wanted improved relations with the U.S.
- Jun 30-Jul 02: Ghorbanifar in U.S. for discussions with CIA and NSC.

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Jul 26-28: Meetings in Frankfurt (Ghorbanifar, Nir, NSC, and CIA).

Jul 26: Father Jenco released.

→ Aug 03: Remainder of 240 HAWK missile parts delivered to Tehran.

Aug 06: Frankfurt meetings.

Aug 10: Initial contacts with [REDACTED] in Madrid and London.

Sep 19-20: Discussions in Washington with new Iranian intermediary (NSC and CIA),

Sep 22-23: Meetings in London (CIA, NSC with Nir).

Oct 03: White House approves provision of intelligence to Iran [REDACTED]

Oct 05-07: Frankfurt meetings (CIA, NSC, [REDACTED])

Oct 26-28: Frankfurt (Mainz) meetings of U.S. and Iranian representatives (CIA, NSC, Israeli rep [Nir], [REDACTED])

→ Oct 29: 500 TOW missiles delivered to Iran from Israel.

Nov 02: David Jacobsen released.

Nov 05-07: Meetings in Geneva with [REDACTED] (NSC and CIA).

→ Nov 07: 500 TOW missiles delivered to Israel (replacements).

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(Historical Chronology)DEPOSITION
EXHIBIT95C-24
6/23 JFU.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGES

From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in this critical part of the world and reconstruct a working relationship. Even before President Reagan came to office the U.S. Government agreed to try to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. In the fall of 1979, the U.S. undertook three secret missions to Tehran:

- September 1979 - [REDACTED] (met secretly with Bazargan at the request of the Iranians)
- October 1979 - [REDACTED]
- October-November 1979 - [REDACTED] (discussed normalization of relations)

When these meetings and the secret November 1, 1979 meeting in Algiers, between Brzezinski and Prime Minister Bazargan, became public in Iran, they helped precipitate the takeover of the U.S. Embassy by radical elements and led to the resignation of the Bazargan government. These events have adversely influenced Iran's subsequent willingness to engage in any direct contact with the USG.

Despite mutual difficulties involved in re-establishing normal relations, our strategic interests in the Persian Gulf mandate persistent efforts to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- Egypt, Jordan, Morocco, Israel, South Africa, and the United States. Even Iraq continues to have diplomatic relations with Iran.

Iran is the key to a region of vital importance to the West, yet it is increasingly threatened by growing Soviet military power and political influence along its borders and inside its territory. Over the course of the last two years, the Soviets and their surrogates have moved actively to gain greater influence in the Gulf:

- The Soviets believe that once Khomeini dies, they will have an excellent opportunity to influence the formation of a government in Tehran that serves Soviet strategic interests in the area.

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under provisions of E.O. 12356
by B. Regier, National Security Council

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-- Communist nations have become the principal arms suppliers to Iran -- making Iran dependent on this source of supply in contending with an increasingly strengthened Iraq. This leads us to the conclusion that the Soviets may well be attempting to pursue their own revolution in Iran. That is, by fueling both sides in the conflict, the Soviets could well encourage a disastrous "final offensive" by Iran that would precipitate a political disintegration in Iran, leaving a power vacuum which the Soviets could exploit. Specifically, the indicators of Communist influence in Iran are:



The increasing desperation brought on by the costs of the Iran-Iraq war has exacerbated Iran's vulnerability to Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran from Afghanistan have made reopening a strategic dialogue increasingly important.

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In short, the Soviets were far better positioned to improve significantly their influence in the region in 1985 when we were presented with an opportunity to open a dialogue with Iran. In deciding to exploit this opening, we evaluated previous efforts through more conventional channels which had not succeeded.

About two years ago, senior Iranian officials apparently decided that some accommodation with the U.S. was necessary. Since 1983, various countries have been engaged in overtures to the U.S. and Iran in an effort to stimulate direct contact [REDACTED]

However, internal splits and debates made it difficult for the Iranians to respond to these overtures.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in establishing contact in Iran or in seeking Iranian assistance in the release of our citizens held hostage in Lebanon. [REDACTED]

In the spring of 1985, a private American citizen (Michael Ledeen) learned from an Israeli government official (David Kimche) that the Israelis had established a liaison relationship with an Iranian expatriate (Manuchehr Ghorbanifar) in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the Iranian officials involved, he (Ghorbanifar) indicated that his "sponsors" in Tehran could also help to resolve the American hostage situation in Beirut.

In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities. [REDACTED] Majlis Speaker Rafsanjani, who was travelling in the mid-east at the time, and Iranian Foreign Minister Velayati both intervened with the captors. Rafsanjani, in his speech on November 4, 1986, for the first time publicly acknowledged his role in this matter.

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On July 1, 1985, during a visit to Washington, an Israeli official (Kimche) advised National Security Advisor, Robert McFarlane, that Israel had established a channel of communication with authoritative elements in Iran who were interested in determining whether the United States was open to a discreet, high-level dialogue. The Iranians were described as comprising the principal figures of the government (i.e., Speaker of the Majlis Rafsanjani, Prime Minister Musavi, and Khomeini's heir-apparent, Ayatollah Montazeri) and as being devoted to a reorientation of Iranian policy.

At this first meeting, McFarlane went to great length to draw out the Israeli as to why he found the Iranian proposal credible, given the events of the past six years. The Israeli replied that their exhaustive analysis had gone beyond the surface logic deriving from the chaos and decline within Iran and the degenerative effects of the war, to more concrete tests of the willingness of the Iranians to take personal risks. He noted that the Iranians had exposed themselves to possible compromise by meeting with Israelis and by passing extremely sensitive intelligence on the situation (and political line-up¹ within Iran -- information which was proven valid.

The Israeli asked for our position on opening such a dialogue. No mention was made of any pre-conditions or Iranian priorities. McFarlane conveyed this proposal to the President (in the presence of the Chief of Staff). The President said that he believed such a dialogue would be worthwhile at least to the point of determining the validity of the interlocutors. This decision was passed to the Israeli diplomat by telephone on July 30.

On August 2, 1985, the Israeli called again on McFarlane. At this meeting, he stated that he had conveyed our position to the Iranian intermediary and that the Iranians had responded that they recognized the need for both sides to have tangible evidence of the bona fides of the other and that they believed they could affect the release of the Americans held hostage in Lebanon.

According to the Israeli, the Iranians separately stated that they were vulnerable as a group and before having any prospect of being able to affect change within Iran they would need to be substantially strengthened. To do so, they would need to secure the cooperation of military and/or Revolutionary Guard leaders. Toward this end, they expressed the view that the most credible demonstration of their influence and abilities would be to secure limited amounts of U.S. equipment. The Israeli asked for our position on such actions.

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Mr. McFarlane elevated this proposition to the President at a meeting within days that included the Secretaries of State and Defense and the Director of Central Intelligence. The President stated that, while he could understand that assuming the legitimacy of the interlocutors, they would be quite vulnerable and ultimately might deserve our support to include tangible materiel; at the time, without any first hand experience in dealing with them, he could not authorize any transfers of military materiel. This was conveyed to the Israeli.

On August 22, 1985, the Israeli diplomat called once more to report that the message had been conveyed and that an impasse of confidence existed. He asked what the position of the U.S. Government would be to an Israeli transfer of modest quantities of defensive military materiel. McFarlane replied that to him, such an action would represent a distinction without a difference. The Israeli diplomat explained at great length that Israel had its own policy interests that would be served by fostering such a dialogue in behalf of the U.S., but that a problem would arise when ultimately they needed to replace ~~items~~ shipped. He asked whether Israel would be able to purchase replacements for items they chose to ship. McFarlane stated that the issue was not the ability of Israel to purchase military equipment from the U.S. -- they had done so for a generation and would do so in the future -- but rather the issue was whether it was U.S. policy to ship or allow others to ship military equipment to Iran. The Israeli asked for a position from our government. McFarlane elevated the question to the President (and to the Secretaries of State and Defense and the Director of Central Intelligence). The President stated that, while he could envision providing materiel support to moderate elements in Iran if all the Western hostages were freed, he could not approve any transfer of military materiel at that time. This position was conveyed to the Israeli diplomat.

On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, the Special Emissary of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnappers. [REDACTED]

In late September, we learned that the Israelis had transferred 508 TOW missiles to Iran and that this shipment had taken place in late August. The Israelis told us that they undertook the action, despite our objections, because they believed it to be in their strategic interests. The Israelis managed this entire operation, to include delivery arrangements, funding, and transportation. After discussing this matter with the President, it was decided not to expose this Israeli delivery because we

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wanted to retain the option of exploiting the existing Israeli channel with Tehran in our own effort to establish a strategic dialogue with the Iranian government. The total value of the 508 TOWs shipped by Israel was estimated to be less than \$2 million.

On October 4, 1985, Islamic Jihad announced that it had "executed" Beirut Station Chief William Buckley in retaliation for the October 1 Israeli air raid on PLO installations in Tunis. This announcement led to a series of meetings in Europe among the U.S. (CIA and NSC), Israeli, and Iranian intermediaries. In these meetings, the Iranians indicated that, while their ability to influence the Hizballah was waning, the Hizballah had not killed Buckley; he had in fact died several months earlier of natural causes. We have since substantiated this information in debris of Father Jenco and David Jacobsen, both of whom indicate that Buckley probably died on June 3, 1985 of pneumonia-like symptoms.

HOOKS
7 say
was a secret
was confirmed
the
 In mid-November, the Israelis through a senior officer in the Prime Minister's office (Amiram Nir), indicated that the Government of Israel was convinced that they were nearing a breakthrough with Iran on a high-level dialogue. The Israeli asked a U.S. official (North) for the name of a European-based airline which could discreetly transit to Iran for the purpose of delivering passengers and cargo. We were assured, at the time, that the Israelis were going to "try oil drilling parts as an incentive," since we had expressed so much displeasure over the earlier TOW shipment. The name of the proprietary [redacted] was passed to the Israeli, who subsequently had the aircraft chartered through normal commercial contract for a flight from Tel Aviv to Tabriz, Iran, on November 25, 1985. In January, we learned that the Israelis, responding to urgent entreaties from the Iranians, used the aircraft to transport 18 HAWK missiles to Iran in an effort to improve the static air defenses around Tehran. The Israelis were unwitting of the CIA's involvement in the airline and the airline was paid at the normal commercial rate (approximately \$127,700). The airline personnel were also unwitting of the cargo they carried. Pilot knew.

no of the
was
 The Israeli delivery of HAWK missiles raised serious U.S. concerns that these deliveries were jeopardizing our objective of arranging a direct meeting with high-level Iranian officials. As a consequence of U.S. initiative and by mutual agreement of all three parties, these missiles were subsequently returned to Israel in February 1986.

On December 7, the President convened a meeting in the White House (residence) to discuss next steps in our efforts to establish direct contact with the Iranians. Attending the

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meeting were the Chief of Staff, Secretaries of State and Defense, the Deputy Director of Central Intelligence, and the Assistant to the President for National Security Affairs and his Deputy. Immediately after the meeting, Mr. McFarlane departed for London to meet with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At this meeting, Mr. McFarlane, as instructed by the President, stated that:

- the U.S. was open to a political dialogue with Iran, but that no such dialogue could make progress for as long as groups seen as dominated by Iran held U.S. hostages; and
- the U.S. could under no circumstances transfer arms to Iran in exchange for hostages.

These points were made directly to the Iranian interlocutor. The Iranian replied that, unless his associates in Tehran were strengthened, they could not risk going ahead with the dialogue. Mr. McFarlane acknowledged the position but stated we could not change our position. In a separate meeting with the Israeli official, Mr. McFarlane made clear our strong objections to the Israeli shipment of the TOW missiles. Following these meetings, Mr. McFarlane returned to Washington and shortly thereafter left active government service.

On January 2, the Prime Minister of Israel dispatched a special emissary to the U.S. (Amiram Nir) to review proposals for next steps in dealing with Iran. The Israelis urged that we reconsider the issue of providing limited defensive arms to those attempting to take power in Tehran, since all other incentives (economic assistance, medical supplies, machine parts) were of no value in shoring-up those who wanted an opening to the West. Admiral Poindexter noted our stringent objections to the HAWK missile shipments in November and noted that the U.S. would have to act to have them returned (a step undertaken in February, when all 18 missiles were returned to Israel). In that any implementation of the Israeli proposals would require the active participation of the intelligence community, the NSC Staff (North) was tasked to prepare a covert action finding. Work on this Presidential finding commenced on January 4. Hawk
] ✓

On January 6, the President, the Vice President, the Chief of Staff, and the National Security Advisor and his assistant reviewed the first draft of the finding and the recommendations made by the Prime Minister of Israel through his special emissary.

On January 7, the President met in the Oval Office with the Vice President, the Chief of Staff, Secretaries Shultz and Weinberger, Attorney General Meese, Director Casey, and the National Security

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Advisor to discuss the overall situation in Iran and prospects for a strategic dialogue. It was again noted that Mr. McFarlane, on return from his trip to London, had recommended that no further action be taken unless a mechanism could be established by which the U.S. could exert better control over events. He agreed, in principle, with Director Casey that providing limited quantities of defensive arms after the hostages were released still had merit. Both Secretary Shultz and Secretary Weinberger objected to any provision of arms, citing that we could not be sure that these would really help moderate elements and that, if exposed, the project would not be understood by moderate Arabs and would be seen as contravening our policy of not dealing with states that support terrorism. The President decided that we should attempt to keep the Israeli channel active as long as it offered possibilities for meetings with high-level Iranian officials and left open the issue of providing defensive arms to Iran if all the hostages were released.

It was further determined by the President that any dialogue with the Iranians must be aimed at achieving the following goals:

- Devising a formula for re-establishing a strategic relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure the territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

The President made clear that a Western dialogue with Iran would be precluded unless Iran were willing to use its influence to achieve the release of Western hostages in Beirut. He also made clear that we could not and would not engage in trading arms for hostages. Secretaries Shultz and Weinberger retained their original position on providing any arms to Iran, but Attorney General Meese and Director Casey both supported the concept as a valid means of opening the dialogue. Attorney General Meese noted a 1981 determination by then Attorney General French Smith that transferring small quantities of arms through third countries under a Covert Action Finding was not illegal.

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On January 16, a meeting was held in the National Security Advisor's office with Secretary Weinberger, Attorney General Meese, Director Casey, and CIA General Counsel Stanley Sporkin. At this meeting, the final draft of the Covert Action Finding was reviewed and was forwarded to the President with Secretary Weinberger dissenting.

On January 17, 1986, the President approved a Covert Action Finding (Tab A) directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. The President further determined that the activities authorized by the Finding justified withholding prior Congressional notification due to the extreme sensitivity of the dialogue being established. He further noted that public knowledge of the program would place the American hostages in Lebanon at greater risk. Noting his concern for the lives of those carrying out the operation (both U.S. and foreign), he directed that the Director of Central Intelligence refrain from reporting the Finding to the appropriate committees of the Congress until reasonably sure that those involved would no longer be in jeopardy.

On February 5-7, U.S. officials (NSC and CIA [redacted]), a representative of the Israeli Prime Ministry (Amiram Nir), and a senior-level Iranian official [redacted]

[redacted] met in London. At this meeting, the Iranians agreed that, if the USG would provide defensive weapons (TOWs) to Iran, they would, in turn, provide same to the Afghan Mujahideen. The U.S. side agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

- The Iranian intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would covertly obtain materiel authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using the procedures stipulated above, \$3.7 million was deposited in the CIA account in Geneva on February 11, 1986 and on February 14, 1,000 TOWs were transported to Israel for pre-positioning. These TOWs were transferred by CIA from DOD (U.S. Army stocks in Anniston, Alabama) and transported through [redacted] using standard CIA-DOD [redacted] logistics arrangements. Policy-level coordination for these arrangements was effected by NSC (North) with DOD (Armitage) and CIA (Clair George). The TOWs were placed in a covert Israeli facility awaiting onward shipment.

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On February 19-21, U.S. (NSC and CIA), Israeli and Iranian officials met in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the Iranians committed

After coded authorization was received from Washington, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced on the morning of February 26 and completed in two transits to Tehran on February 21. Transportation from Israel to Iran was aboard a false flag Israeli aircraft.

On February 24, U.S. (CIA and NSC) officials met again in Frankfurt with the Israeli and Iranian officials to discuss next steps. At this meeting, the U.S. side urged that the Iranians expedite a meeting among higher-level officials on both sides.

On February 28, the Prime Minister of Israel wrote to President Reagan (Tab B) urging continued efforts to achieve a strategic breakthrough with Iran, but asking consideration for the safety of recently seized Israeli hostages.

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

The escalation of tensions with Libya, leading up to the April 14 strike, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the effort in late April, 1986. At that point, the Iranian expatriate advised us through the Israeli point-of-contact that the leadership in Tehran was prepared to commence a secret dialogue

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with the United States along the lines of our established goals. We believe that the Iranians were stimulated to renew the contact by the April 17 murder of hostage Peter Kilburn in retaliation for the U.S. raid on Libya.

The Iranian expatriate told the NSC and CIA officers, who met with him in Europe at the end of April, that the Iranians did not wish to be accused of any culpability in Kilburn's death.

On May 6, 7, 1986, U.S. and Israeli officers met in London with the Iranian intermediary in which he urged that we take immediate steps to arrange for a high-level U.S./Iranian meeting in Tehran. During the London meeting, the Iranian urged that we (U.S. and Israel) take immediate steps to help with Iranian air defense. He emphasized that the Iraqi Air Force was increasingly effective of late and that the Iranians were desperate to stop attacks on population centers. The Israelis also used this opportunity to privately ask the U.S. to replace the 508 TOWs which they had sent to Iran in August, 1985. The Israelis were informed via coded message on May 15 that the U.S. had agreed to the Iranian request for limited anti-air defense equipment and to replenish the 508 TOWs sent by Israel.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on May 15, the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA annuitant, CIA communicators, members of the NSC staff, and the Israeli and Iranian interlocutors.

On May 16, the Iranians, through the Israelis provided \$6.5M for deposit in the CIA secure funding mechanism. The funds were used to acquire 508 TOW missiles (for replenishing the TOWs Israel shipped in September 1985) and acquiring HAWK missile electronic spare parts. This material was subsequently moved to [redacted] repackaged and shipped to Kelly AFB for onward movement to Israel on May 22. As in the February shipment, the CIA provided logistics support for the movement of this material to Israel.

In order to ensure operational security, the McFarlane trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (HAWK spare

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electronic parts). At the specific request of the Iranians, alias foreign documentation [REDACTED] -- obtained from the CIA -- was used. CIA also provided covert transportation support from CONUS to Israel for the McFarlane party. The group was transported from Israel to Tehran aboard an Israeli Air Force 707 with false flag markings.

In the course of the four-day (May 25-29) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidentially approved Terms of Reference (Tab B), which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan and the Soviet threat to the Gulf) through dialogue.

During these meetings, both sides used the opportunity to detail the obstacles to implementing a strategic relationship between the two countries. In addition to the points noted above, Mr. McFarlane emphasized the political problems caused by Iranian involvement in the hostage issue. The Iranians objected to the USG embargo on U.S. military supplies already paid for plus the continued USG blocking of Iranian assets in the U.S., even after U.S. courts had ruled in their favor. During the course of these meetings, the Iranian officials admitted that they could not win the war, but were in a dilemma in Tehran over how to end the conflict given the need to present an Iranian "victory" before it could be concluded. They emphasized that the original aggressor, Saddam Hussein, must be removed from power in order for the war

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to end. Mr. McFarlane concluded the visit by summarizing that notwithstanding Iranian interest in carrying on with the dialogue, we could not proceed with further discussions in light of their unwillingness to exert the full weight of their influence to cause the release of the Western hostages in Lebanon.

On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 26, Father Lawrence Jenco was released in the Bekka Valley and found his way to a Syrian military checkpoint.

On August 3, the remaining three pallets (less than 4 payload) of electronic parts for Iranian anti-aircraft defenses (HAWK missile sub-components) arrived in Tehran. As in all flights to/from Iran this delivery was made with an Israeli Air Force aircraft (707) using false flag markings. Timing of the delivery was based on coordination among U.S., Israeli and Iranian officials.

In early August 1986, the contact with the Iranian expatriate began to focus exclusively on the willingness of the USG to provide military assistance to Iran in exchange for hostages and we sought to establish different channels of communication which would lead us more directly to pragmatic and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (MGEN Richard Secord, USAF [Ret.]) acting within the purview of the January Covert Action Finding, made contact in Europe with [redacted] a relative [redacted] of a senior Iranian official (Rafsanjani). With the assistance of the CIA, this Iranian [redacted] was brought covertly to Washington for detailed discussions. We judged this effort to be useful in establishing contact with a close confidant of the man judged to be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided assessments designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war. The assessments also detailed the Soviet threat to Iran.

Through August, September, and October 1986, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts. During the October 26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranian, [redacted] urged that we take a more active role in support for the Afghan resistance [redacted]

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The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 tank [REDACTED]. The Iranians have also offered to provide a copy of the 400 page interrogation of Beirut Station Chief William Buckley. At this meeting [REDACTED] stated that there was a "very good chance that another American or two would be freed soon." On October 29, with U.S. acquiescence, Israel provided Iran with an additional increment of defensive weapons (500 TOW missiles).

Late on October 31, [REDACTED] called the U.S. citizen (Hakim) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of an American -- David Jacobsen -- and an uncertain number of French hostages. He further noted that this would be part of the purpose of the Iranian Foreign Minister's visit to Syria -- an event we became aware of on November 1, 1986. [REDACTED] stated that the situation in Tehran, as well as Iranian influence over Hizballah were both deteriorating.

[REDACTED] On November 2, David Jacobsen was released by his captors near the old American Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy officer to West Beirut to pick up Mr. Jacobsen.

It is now apparent that persistent U.S. efforts to establish contact with Iran and subsequent public speculation regarding these contacts have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a purposely distorted version of the May 1986 McFarlane mission in his November 4 address to the masses. Moderate Iranian political leaders apparently now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The revelations in Tehran regarding the McFarlane mission are demonstrable evidence of the internal power struggle. The October 1986 arrest of radical leader Mehdi Hashemi, a close confidant and son-in-law of Ayatollah Montezari, for acts of terrorism and treason has caused further internal conflict.

Resolution of the Lebanon hostage situation is also complicated by waning Iranian influence in Lebanon due in part to financial constraints and the fact that the Libyans are expanding their

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contacts with more radical Hizballah elements.

[REDACTED]

On November 7, the day after a meeting with U.S. officials, Iranian government authorities arrested six other individuals involved in radical activities. Among the two were senior military officers and a Majlis deputy (Ahmad Kashani), the grandson of Ayatollah Kashani, a conspirator in the 1949 attempt against the Shah.

Despite these internal difficulties and attendant publicity in the Western media, the Iranians continue to maintain direct contact with the USG and met again in Geneva on November 9-10, with NSC and CIA representatives.

[REDACTED] the two principal Iranian contacts continue to communicate with the U.S.

[REDACTED]

[REDACTED] the Iranians still intend to deliver the T-72 tank

[REDACTED]

[REDACTED] "positive statement" will be made in the near future by Rafsanjani.

[REDACTED]

[REDACTED] Both [REDACTED] have warned that further disclosures could harm them personally and the longer-term interests of the two countries.

It is important to note that since the initiation of the USG contact with Iran there has been no evidence of Iranian government complicity in acts of terrorism against the U.S. We do not know who seized the last three American hostages in Beirut (Messrs. Reed, Cicippio, and Tracy). The Islamic Jihad Organization (IJO) has disclaimed responsibility -- as have our Iranian interlocutors.

[REDACTED]

[REDACTED] It is possible that these three Americans were kidnapped at the direction of Iranian radicals

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loyal to the now imprisoned Mehdi Hashemi. If so, this could be an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the pragmatic faction with which we have been in contact.

Throughout this process, the USG has acted within the limits of established policy and in compliance with all U.S. law. The shipment of 2,008 U.S. TOWs and 235 HAWK missile electronic spare parts was undertaken within the provisions of a Covert Action Finding.

During the course of this operation -- and before -- the U.S. was cognizant of only three shipments from Israel to Iran. Specifically:

- The Israelis acknowledged the August 1985 shipment of 508 TOWs after it had taken place. Until we were advised by the Israelis, and had the information subsequently confirmed by Iranian authorities, we were unaware of the composition of the shipment. We subsequently agreed to replace these TOWs in May of 1986.
- The November 1985 shipment of 18 Israeli HAWK missiles was not an authorized exception to policy. This shipment was retrieved in February 1986 as a consequence of U.S. intervention.
- The October 1986 shipment of 500 TOWs from Israel to Iran was undertaken with U.S. acquiescence. These TOWs were replaced on November 7.

In support of this Finding and at the direction of the President, the CIA provided the following operational assistance:

- CIA communications officers and an annuitant to assist in various phases of the operation.
- Sterile overseas bank accounts for financial transactions.
- A secure transshipment point for the dispatch of U.S. military items from the U.S.
- Transshipment of military items from the U.S. to Israel.
- Communications and intelligence support for the meetings with Iranian officials and the McFarlane trip to Tehran in May.

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- Cleared meeting sites in Europe for meetings with Iranian officials.
- Fabricated and alias documentation for U.S. and foreign officials for meetings in Europe and Tehran.

The weapons and materiel provided under this program were judged to be inadequate to alter either the balance of military power or the outcome of the war with Iraq. They have, however, demonstrated the U.S. commitment to Iranian territorial integrity and served to support those in Iran interested in opening a strategic relationship with the U.S. U.S. efforts over the last 18 months have had tangible results on Iranian policy:

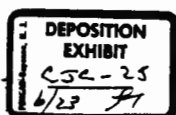
- The Rafsanjani/Velayati intervention on behalf of the TWA #847 passengers (June 1985).
- Iranian direction that the hijacked Pan Am #73 would not be received in Iranian territory if it left Karachi.
- 
- The release of three American and at least two French hostages.
- The initiation of an Iranian dialogue with their regional neighbors.
- Continued delay in the Iranian "final offensive."

Finally, it must also be noted that the U.S. arms embargo notwithstanding, West European nations have provided \$500 million a year in military equipment to Iran. Most of these transfers were accomplished with government knowledge and/or acquiescence.

All appropriate Cabinet Officers have been apprised throughout. The Congress was not briefed on the covert action finding due to the extraordinary sensitivity of our Iranian contacts and the potential consequences for our strategic position in Southwest Asia. Finally, our efforts to achieve the release of the hostages in Lebanon must continue to rely on discreet contacts and intermediaries who cannot perform if they are revealed.

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SUMMARY CHRONOLOGY OF ARMS SALES TO IRAN

1. September of 1985: United States acquiesced in Israel's shipment of 508 TOWS to Iran. (These arms were apparently shipped at the end of August).
2. September 14, 1985: Benjamin Weir released.
3. November of 1985: Israel sent 18 basic HAWK missiles to Iran. These missiles were subsequently returned to Israel in February, 1986.
4. February of 1986: CIA using money from Iran bought 1000 TOWS from the Department of Defense. These missiles were sent via Israel to Iran.
5. May 15, 1986: McFarlane, accompanied by HAWK missile spare parts, goes to Iran.
6. July 26, 1986: Father Lawrence Jenco released.
7. August 3, 1986: three pallets (less than 1/2 plane load of HAWK parts) delivered to Iran.
8. October 29, 1986: United States acquiesced in shipment of 500 TOWS by Israel to Iran.
9. October 31, 1986: David Jacobsen was released.

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November 20, 1986

20 NOV 86

CHRONOLOGY OF EVENTS: U.S.-Iran Dialogue1983

Jan : Michael Ledeen suggested to the NSC that Israeli contacts may be useful in obtaining release of the U.S. hostages in Lebanon. Ghorbanifar was introduced to Ledeen and the NSC as an Iranian intermediary.

Feb 14: Jeremy Levin escaped.

Jun 14: TWA-847 hijacking. Iranian government officials, contacted by Israelis and Ghorbanifar, help in obtaining the release of four Americans held separately from the rest of the hijacked passengers. Last known instance of Iranian influenced group perpetrating terrorism against U.S. nationals.

Jun : Draft NSDD on Iran circulated to principals.

Aug 22: David Kimche met with Bud McFarlane in Washington.

Aug 30: 508 TOM missiles delivered to Iran from Israel.

Sep 01: [REDACTED]

Sep 14: Reverend Benjamin Weir released.

Oct 04: Islamic Jihad claimed it murdered U.S. hostage William Buckley in retaliation for Israeli raids in Tunis.

Nov 17-18: Separate meetings in London with Ghorbanifar and Waite.

Nov 24: Israel delivered 18 HAWK missiles to Iran [REDACTED]

Dec 06-08: Meeting in London with McFarlane and Ghorbanifar.

Dec 20: Hostage Location Task Force (HLTF) formed at CIA.

Dec 22: Ghorbanifar to U.S. for talks with U.S. officials.

Dec 23: Nir became primary Israeli POC.

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Partially Declassified; released on 22 Nov 1997
under provisions of E.O. 12356
by S. Reger, National Security Council

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1986

Jan 17: Presidential Finding on Iran.

Feb 05-07: Meetings in Geneva with Nir and Ghorbanifar (CIA and NSC).

Feb 14: U.S. delivers 1,000 TOWs to Israel.

Feb 19-21: Meetings in London and Frankfurt (Ghorbanifar [redacted])

Feb 20-21: 1,000 TOWs delivered to Tehran from Israel.

Late Feb: 18 HAMR missiles returned to Israel.

Apr 17: U.S. hostage Peter Kilburn murdered in retaliation for U.S. raid on Libya.

Apr 22: Ghorbanifar arrested in Switzerland for indebtedness apparently related to the FBI sting of arms sales to Iran by private citizens from the U.S., Germany, and Israel.

May 09: Planning meeting at CIA (DDO and NSC personnel).

May 15: Terms of Reference (TOR) approved for establishing a strategic dialogue with Iran. U.S. objectives:

- Establish a correct relationship with Iran.
- End Iran-Iraq war.
- Return U.S. hostages.

May 22-28: Meetings in London [redacted] Cyprus [redacted] and Tel Aviv (Nir and Rabin).

May 23: U.S. delivers 508 TOWs to Israel (replacements).

May 24: [redacted]

May 25-27: McFarlane party to Tehran. Some of the 240 HAMR missile parts accompany the party.

Jun 10: Rafsanjani news conference containing possible "signal" that Iran wanted improved relations with the U.S.

Jun 30-Jul 02: Ghorbanifar in U.S. for discussions with CIA and NSC.

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Jul 26-28: Meetings in Frankfurt (Ghorbanifar, Mir, NSC, and CIA).

Jul 26: Father Jenco released.

Aug 03: Remainder of 240 HAWK missile parts delivered to Tehran.

Aug 06: Frankfurt meetings.

Aug 10: Initial contacts with [REDACTED] in Madrid and London.

Sep 19-20: Discussions in Washington with new Iranian intermediary (NSC and CIA).

Sep 22-23: Meetings in London (CIA, NSC with Mir).

Oct 03: White House approves provision of intelligence to Iran [REDACTED]

Oct 05-07: Frankfurt meetings (CIA, NSC, [REDACTED])

Oct 26-28: Frankfurt (Mains) meetings of U.S. and Iranian representatives (CIA, NSC, Israeli rep (Mir), [REDACTED])

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Nov 05-07: Meetings in Geneva with [REDACTED] (NSC and CIA).

Nov 07: 500 TOW missiles delivered to Israel (replacements).

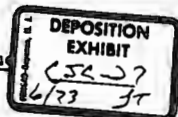
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20 NOV 86

November 20, 1986

CHRONOLOGY OF EVENTS: U.S.-Iran Dialogue1985

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27 June 1987

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SUBJECT: CIA Airline Involvement

In late November 1985, a CIA proprietary airline was chartered to carry cargo to Iran at the NSC's request. The cargo was described to us as oil drilling spare parts. Although we did not know it at the time, the cargo was actually 18 Hawk missiles. The chronology of the incident is as follows:

On 22 November 1985, the NSC contacted the Agency with an urgent request for the name of a discreet, reliable airline that could transport bulky oil-drilling parts to an unspecified destination in the Middle East.

We offered the name of the CIA's proprietary airline as a company which could handle the NSC request. The NSC passed the name of our airline to ~~their intermediary with the Iranians~~ *the Israelis*.

In the interim, we contacted our airline and told them that they would be receiving an urgent, legitimate charter request. The NSC intermediary contacted the airline that evening (22 November) and made arrangements for the airline to pick-up the parts [REDACTED] *operated by the proprietor*.

The destination was changed to Tel Aviv and two of ~~our~~ *airline's* Boeing 707's arrived in Tel Aviv 23 November. The cargo was ultimately loaded onto only one of the aircraft. Loading was completed by 24 November and the aircraft proceeded to Iran via a stop at [REDACTED] and then overflying [REDACTED]. At the NSC's request, and for the protection of our aircraft, we helped arrange for the overflight clearances.

To the best of our knowledge, ~~the intermediary did not know~~ *neither Israelis nor the Iranians knew* that they were dealing with a CIA proprietary, nor did airline personnel know what they were carrying. ~~we did not find out that our airline had hauled Hawk missiles into Iran until mid-January when we were told by the Iranians.~~

The airline was paid ~~the~~ *by the Israelis* normal commercial rate which amounted to approximately \$127,700. I should stress that the airline does a considerable amount of normal business in addition to its support to CIA. It had, in fact, made another ~~unrelated~~ *legitimate* flight into Tehran carrying commercial items prior to the 22-25 November incident.

Senior Senior CIA management found out about the flight on 25 February. Although we did not know the nature of the cargo, we thought that any future support of this type to the NSC would require a Finding.

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22 June 1988

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[REDACTED]

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11/20/86 1930

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Dec 06-08: Meeting in London with McFarlane and Ghorbanifar.

Dec 07: Meeting of President with Regan, Shultz, Weinberger, McFarlane Poindexter, and Gates, and Poindexter at the White House. *McMANUS*

Dec 20: Hostage Location Task Force (HLTF) formed at CIA.

Dec 22: Ghorbanifar to U.S. for talks with U.S. officials.

Dec 23: Nir became primary Israeli POC.

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Jan 02: Nir meets in U.S. with Poindexter.

Jan 07: President meets with VP Bush, Regan, Shultz, Weinberger, Meese, Casey, and Poindexter.

Jan 17: Presidential Finding on Iran.

Feb 05-07: Meetings in Geneva with Nir and Ghorbanifar (CIA and NSC).

→ Feb 14: U.S. delivers 1,000 TOWs to Israel.

Feb 19-21: Meetings in London and Frankfurt (Ghorbanifar [REDACTED])

→ Feb 20-21: 1,000 TOWs delivered to Tehran from Israel.

Feb 24: CIA and NSC officials met with Israeli and Iranian officials in Frankfurt.

Late Feb: 18 HAWK missiles returned to Israel.

Mar 07: CIA and NSC officials met with Israeli and Iranian officials in Paris.

Apr 17: U.S. hostage Peter Kilburn murdered in retaliation for U.S. raid on Libya.

Apr 22: Ghorbanifar arrested in Switzerland for indebtedness apparently related to the FBI sting of arms sales to Iran by private citizens from the U.S., Germany, and Israel.

May 06-07: U.S. and Israeli officials met with Iranian officials in London.

May 09: Planning meeting at CIA (DDO and NSC personnel).

May 15: Terms of Reference (TOR) approved for establishing a strategic dialogue with and trip to Iran. U.S. objectives:

- Establish a correct relationship with Iran.
- End Iran-Iraq war.
- Return U.S. hostages.

May 22-28: Meetings in London, [REDACTED] Cyprus [REDACTED] and Tel Aviv (Nir and Rabin).

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- May 22nd: U.S. delivers 500 TOWs to Israel (replacements).
- May 24: Terry Waite flown to Beirut (U.S. helicopter).
- May 25-28th: McFarlane party to Tehran. Some of the 240 HAWK missile parts accompany the party.
- Jun 10: Rafsanjani news conference containing possible "signal" that Iran wanted improved relations with the U.S.
- Jun 30-Jul 02: Ghorbanifar in U.S. for discussions with CIA and NSC.
- Jul 26-28: Meetings in Frankfurt (Ghorbanifar, Nir, NSC, and CIA).
- Jul 26: Father Jenco released.
- Aug 03: Remainder of 240 HAWK missile parts delivered to Tehran.
- Aug 06: Frankfurt meetings.
- Aug 10: Initial contacts with [REDACTED] in Madrid and London.
- Sep 19-20: Discussions in Washington with new Iranian intermediary (NSC and CIA).
- Sep 22-23: Meetings in London (CIA, NSC with Nir).
- Oct 03: White House approves provision of intelligence to Iran [REDACTED]
- Oct 05-07: Frankfurt meetings (CIA, NSC, Ali, Samail).
- Oct 26-28: Frankfurt (Mainz) meetings of U.S. and Iranian representatives (CIA, NSC, Israeli rep [Nir], [REDACTED])
- Oct 29th: 500 TOW missiles delivered to Iran from Israel.
- Nov 02: David Jacobsen released.
- Nov 05-07: Meetings in Geneva with [REDACTED] (NSC and CIA).
- Nov 07: 500 TOW missiles delivered to Israel (replacements).

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U.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGES

From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in this critical part of the world and reconstruct a working relationship. Even before President Reagan came to office the U.S. Government agreed to try to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. In the fall of 1979, the U.S. undertook three secret missions to Tehran:

- September 1979 - [redacted] (met secretly with Bazargan at the request of the Iranians)
- October 1979 - [redacted]
- October-November 1979 - [redacted] (discussed normalization of relations)

When these meetings and the secret November 1, 1979 meeting in Algiers, between Brzezinski and Prime Minister Bazargan, became public in Iran, they helped precipitate the takeover of the U.S. Embassy by radical elements and led to the resignation of the Bazargan government. These events have adversely influenced Iran's subsequent willingness to engage in any direct contact with the USG.

Despite mutual difficulties involved in re-establishing normal relations, our strategic interests in the Persian Gulf mandate persistent efforts to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- Egypt, Jordan, Morocco, Israel, South Africa, and the United States. Even Iraq continues to have diplomatic relations with Iran.

Iran is the key to a region of vital importance to the West, yet it is increasingly threatened by growing Soviet military power and political influence along its borders and inside its territory. Over the course of the last two years, the Soviets and their surrogates have moved actively to gain greater influence in the Gulf:

- The Soviets believe that once Khomeini dies, they will have an excellent opportunity to influence the formation of a government in Tehran that serves Soviet strategic interests in the area.

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Partially Declassified/Released on 22 June 1987.

Under Authority of E.O. 12356

By B. Rumsfeld, National Security Council

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-- Communist nations have become the principal arms suppliers to Iran -- making Iran dependent on this source of supply in contending with an increasingly strengthened Iraq. This leads us to the conclusion that the Soviets may well be attempting to pursue their own revolution in Iran. That is, by fueling both sides in the conflict, the Soviets could well encourage a disastrous "final offensive" by Iran that would precipitate a political disintegration in Iran, leaving a power vacuum which the Soviets could exploit. Specifically, the indicators of Communist influence in Iran are:



The increasing desperation brought on by the costs of the Iran-Iraq war has exacerbated Iran's vulnerability to Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran from Afghanistan have made reopening a strategic dialogue increasingly important.

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In short, the Soviets were far better positioned to improve significantly their influence in the region in 1983 when we were presented with an opportunity to open a dialogue with Iran. In deciding to exploit this opening, we evaluated previous efforts through more conventional channels which had not succeeded.

About two years ago, senior Iranian officials apparently decided that some accommodation with the U.S. was necessary. Since 1981, various countries have been engaged in overtures to the U.S. and Iran in an effort to stimulate direct contact between the two countries.

However, internal splits and debates made it difficult for the Iranians to respond to these overtures.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in establishing contact in Iran or in seeking Iranian assistance in the release of our citizens held hostage in Lebanon.

In the spring of 1985, a private American citizen (Michael Ledeen) learned from an Israeli government official (David Kimche) that the Israelis had established a liaison relationship with an Iranian expatriate (Manuchehr Ghorbanifar) in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the Iranian officials involved, he (Ghorbanifar) indicated that his "sponsors" in Tehran could also help to resolve the American hostage situation in Beirut.

In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities. Speaker Rafsanjani, who was travelling in the mid-east at the time, and Iranian Foreign Minister Velayati both intervened with the captors. Rafsanjani, in his speech on November 4, 1986, for the first time publicly acknowledged his role in this matter.

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On July 3, 1985, during a visit to Washington, an Israeli official (Kimche) advised National Security Advisor, Robert McFarlane, that Israel had established a channel of communication with authoritative elements in Iran who were interested in determining whether the United States was open to a discreet, high-level dialogue. The Iranians were described as comprising the principal figures of the government (i.e., Speaker of the Majlis Rafsanjani, Prime Minister Musavi, and Khomeini's heir-apparent, Ayatollah Montazeri) and as being devoted to a reorientation of Iranian policy.

At this first meeting, McFarlane went to great length to draw out the Israeli as to why he found the Iranian proposal credible, given the events of the past six years. The Israeli replied that their exhaustive analysis had gone beyond the surface logic deriving from the chaos and decline within Iran and the degenerative effects of the war, to more concrete tests of the willingness of the Iranians to take personal risks. He noted that the Iranians had exposed themselves to possible compromise by meeting with Israelis and by passing extremely sensitive intelligence on the situation (and political line-up) within Iran -- information which was proven valid.

The Israeli asked for our position on opening such a dialogue. No mention was made of any pre-conditions or Iranian priorities. McFarlane conveyed this proposal to the President (in the presence of the Chief of Staff). The President said that he believed such a dialogue would be worthwhile at least to the point of determining the validity of the interlocutors. This decision was passed to the Israeli diplomat by telephone on July 10.

On August 2, 1985, the Israeli called again on McFarlane. At this meeting, he stated that he had conveyed our position to the Iranian intermediary and that the Iranians had responded that they recognized the need for both sides to have tangible evidence of the bona fides of the other and that they believed they could effect the release of the Americans held hostage in Lebanon.

According to the Israeli, the Iranians separately stated that they were vulnerable as a group and before having any prospect of being able to effect change within Iran they would need to be substantially strengthened. To do so, they would need to secure the cooperation of military and/or Revolutionary Guard leaders. Toward this end, they expressed the view that the most credible demonstration of their influence and abilities would be to secure limited amounts of U.S. equipment. The Israeli asked for our position on such actions.

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Mr. McFarlane elevated this proposition to the President at a meeting within days that included the Secretaries of State and Defense and the Director of Central Intelligence. The President stated that, while he could understand that assuming the legitimacy of the interlocutors, they would be quite vulnerable and ultimately might deserve our support to include tangible material; at the time, without any first hand experience in dealing with them, he could not authorize any transfers of military material. This was conveyed to the Israeli.

On August 22, 1985, the Israeli diplomat called once more to report that the message had been conveyed and that an espouse of confidence existed. He asked what the position of the U.S. Government would be to an Israeli transfer of modest quantities of defensive military material. McFarlane replied that to him, such an action would represent a distinction without a difference. The Israeli diplomat explained at great length that Israel had its own policy interests that would be served by fostering such a dialogue in behalf of the U.S., but that a problem would arise when ultimately they needed to replace items shipped. He asked whether Israel would be able to purchase replacements for items they chose to ship. McFarlane stated that the issue was not the ability of Israel to purchase military equipment from the U.S. -- they had done so for a generation and would do so in the future -- but rather the issue was whether it was U.S. policy to ship or allow others to ship military equipment to Iran. The Israeli asked for a position from our government. McFarlane elevated the question to the President (and to the Secretaries of State and Defense and the Director of Central Intelligence). The President stated that, while he could envision providing material support to moderate elements in Iran if all the Western hostages were freed, he could not approve any transfer of military material at that time. This position was conveyed to the Israeli diplomat.

On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, the Special Emissary of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnappers.

50467. In late September, we learned that the Israelis had transferred 508 TOW missiles to Iran and that this shipment had taken place in late August. The Israelis told us that they undertook the action, despite our objections, because they believed it to be in their strategic interests. The Israelis managed this entire operation, to include delivery arrangements, funding, and transportation. After discussing this matter with the President, it was decided not to expose this Israeli delivery because we

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wanted to retain the option of exploiting the existing Israeli channel with Tehran in our own effort to establish a strategic dialogue with the Iranian government. The total value of the 500 TOWs shipped by Israel was estimated to be less than \$2 million.

On October 4, 1985, Islamic Jihad announced that it had "executed" Beirut Station Chief William Buckley in retaliation for the October 1 Israeli air raid on PLO installations in Tunis. This announcement led to a series of meetings in Europe among the U.S. (CIA and NSC), Israeli, and Iranian intermediaries. In these meetings, the Iranians indicated that, while their ability to influence the Hizballah was waning, the Hizballah had not killed Buckley; he had in fact died several months earlier of natural causes. We have since substantiated this information in debriefs of Father Jenco and David Jacobsen, both of whom indicate that Buckley probably died on June 3, 1985 of pneumonia-like symptoms.

In mid-November, the Israelis, through a senior officer in the Foreign Minister's office (Himel), indicated that the Government of Israel was convinced that they were nearing a breakthrough with Iran on a high-level dialogue. The Israeli contacted a U.S. official (North) and asked for the name of a European-based airline which could discreetly transit to Iran for the purpose of delivering passengers and cargo. He specifically noted that neither a U.S. carrier nor an Israeli affiliated carrier could be used. We were assured, at the time, that the Israelis were going to "try oil drilling parts as an incentive," since we had expressed so much displeasure over the earlier TOW shipment. The name of the proprietary [redacted] was passed to the Israeli, who subsequently had the aircraft chartered through normal commercial contract for a flight from Tel Aviv to Tabriz, Iran, on November 23, 1985. The Israelis were unwitting of the CIA's involvement in the airline and the airline was paid at the normal commercial charter rate (approximately \$127,700). The airline personnel were also unwitting of the cargo they carried.

→ In January, we learned that the Israelis, responding to urgent entreaties from the Iranians, has used the proprietary aircraft to transport 18 HAWK missiles to Iran in an effort to improve the static air defenses around Tehran. Our belated awareness that the Israeli's had delivered HAWK missiles raised serious U.S. concerns that these deliveries were jeopardizing our objective of arranging a direct meeting with high-level Iranian officials. As a consequence of U.S. initiative and by mutual agreement of all three parties, these missiles were returned to Israel in February, 1986.

On December 7, the President convened a meeting in the White House (residence) to discuss next steps in our efforts to establish direct contact with the Iranians. Attending the

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Meeting were the Chief of Staff, Secretaries of State and Defense, the Deputy Director of Central Intelligence, and the Assistant to the President for National Security Affairs and his Deputy. Immediately after the meeting, Mr. McFarlane departed for London to meet with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At this meeting, Mr. McFarlane, as instructed by the President, stated that:

- the U.S. was open to a political dialogue with Iran, but that no such dialogue could make progress for as long as groups seen as dominated by Iran held U.S. hostages; and
- the U.S. could under no circumstances transfer arms to Iran in exchange for hostages.

These points were made directly to the Iranian interlocutor. The Iranian replied that, unless his associates in Tehran were strengthened, they could not risk going ahead with the dialogue. Mr. McFarlane acknowledged the position but stated we could not change our position. In a separate meeting with the Israeli official, Mr. McFarlane made clear our strong objections to Israeli weapons shipments to Iran. Following these meetings, Mr. McFarlane returned to Washington and shortly thereafter left active government service.

On January 2, the Prime Minister of Israel dispatched a special emissary to the U.S. (Amiram Nir) to review proposals for next steps in dealing with Iran. The Israelis urged that we reconsider the issue of providing limited defensive arms to those attempting to take power in Tehran, since all other incentives (economic assistance, medical supplies, machine parts) were of no value in shoring-up those who wanted an opening to the West. Admiral Poindexter noted our stringent objections to the HAWK missile shipments in November and noted that the U.S. would have to act to have them returned (a step undertaken in February, when all 18 missiles were returned to Israeli). In that any implementation of the Israeli proposals would require the active participation of the intelligence community, the NSC Staff (North) was tasked to prepare a covert action finding. Work on this Presidential finding commenced on January 4.

On January 6, the President, the Vice President, the Chief of Staff, and the National Security Advisor and his assistant reviewed the first draft of the finding and the recommendations made by the Prime Minister of Israel through his special emissary.

On January 7, the President met in the Oval Office with the Vice President, the Chief of Staff, Secretaries Shultz and Weinberger, Attorney General Reese, Director Casey, and the National Security

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Adviser to discuss the overall situation in Iran and prospects for a strategic dialogue. It was again noted that Mr. McFarlane, on return from his trip to London, had recommended that no further action be taken unless a mechanism could be established by which the U.S. could exert better control over events. He agreed, in principle, with Director Casey that providing limited quantities of defensive arms after the hostages were released still had merit. Both Secretary Shultz and Secretary Weinberger objected to any provision of arms, citing that we could not be sure that these would really help moderate elements and that, if exposed, the project would not be understood by moderate Arabs and would be seen as contravening our policy of not dealing with states that support terrorism. The President decided that we should attempt to keep the Israeli channel active as long as it offered possibilities for meetings with high-level Iranian officials and left open the issue of providing defensive arms to Iran if all the hostages were released.

It was further determined by the President that any dialogue with the Iranians must be aimed at achieving the following goals:

- Devising a formula for re-establishing a strategic relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure the territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

The President made clear that a Western dialogue with Iran would be precluded unless Iran were willing to use its influence to achieve the release of Western hostages in Beirut. He also made clear that we could not and would not engage in trading arms for hostages. Secretaries Shultz and Weinberger retained their original position on providing any arms to Iran, but Attorney General Meese and Director Casey both supported the concept as a valid means of opening the dialogue. Attorney General Meese noted a 1981 determination by then Attorney General French Smith that transferring small quantities of arms through third countries under a Covert Action Finding was not illegal.

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On January 16, a meeting was held in the National Security Adviser's office with Secretary Weinberger, Attorney General Meese, Director Casey, and CIA General Counsel Stanley Sporkin. At this meeting, the final draft of the Covert Action Finding was reviewed and was forwarded to the President with Secretary Weinberger dissenting.

On January 17, 1986, the President approved a Covert Action Finding (Tab A) directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. The President further determined that the activities authorized by the Finding justified withholding prior Congressional notification due to the extreme sensitivity of the dialogue being established. He further noted that public knowledge of the program would place the American hostages in Lebanon at greater risk. Noting his concern for the lives of those carrying out the operation (both U.S. and foreign), he directed that the Director of Central Intelligence refrain from reporting the Finding to the appropriate committees of the Congress until reasonably sure that those involved would no longer be in jeopardy.

On February 5-7, U.S. officials (NSC and CIA [redacted]) a representative of the Israeli Prime Ministry (Yitzhak Rabin), a senior-level Israeli official [redacted]

met in London. At this meeting, the Iranians agreed that, if the USG would provide defensive weapons (TOWs) to Iran, they would, in turn, provide same to the Afghan Mujahideen. The U.S. side agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

- The Iranian intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would covertly obtain material authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using the procedures stipulated above, \$3.1 million was deposited in the CIA account in Geneva on February 11, 1986 and on February 14, 1,000 TOWs were transported to Israel for pre-positioning. These TOWs were transferred by CIA from DOD (U.S. Army stocks in Anniston, Alabama) and transported through [redacted] using standard CIA-DOD [redacted] logistics arrangements. Policy-level coordination for these arrangements was effected by NSC (North) with DOD (Armitage) and CIA (Clair George). The TOWs were placed in a covert Israeli facility awaiting onward shipment.

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On February 19-21, U.S. (NSC and CIA), Israeli and Iranian officials met in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the Iranians committed

After coded authorization was received from Washington, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced on the morning of February 20 and completed in two transits to Tehran on February 21. Transportation from Israel to Iran was aboard a false flag Israeli aircraft. On the return flight from Iran, these aircraft carried the 18 Hawk missiles which Israel had sent to Tehran in November 1985 with

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On February 24, U.S. (CIA and NSC) officials met again in Frankfurt with the Israeli and Iranian officials to discuss next steps. At this meeting, the U.S. side urged that the Iranians expedite a meeting among higher-level officials on both sides.

On February 28, the Prime Minister of Israel wrote to President Reagan (Tab 8) urging continued efforts to achieve a strategic breakthrough with Iran, but asking consideration for the safety of recently seized Israeli hostages.

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

The escalation of tensions with Libya, leading up to the April 14 strike, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the effort in late April, 1986. At that point, the Iranian expatriate leadership in Tehran was prepared to commence a secret dialogue

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with the United States along the lines of our established goals. We believe that the Iranians were stimulated to renew the contact by the April 17 murder of hostage Peter Kilburn. [REDACTED] in retaliation for the U.S. raid on Libya.

The Iranian expatriate told the NSC and CIA officers, who met with him in Europe at the end of April, that the Iranians did not wish to be accused of any culpability in Kilburn's death.

On May 6, 7, 1984, U.S. and Israeli officers met in London with the Iranian intermediary in which he urged that we take immediate steps to arrange for a high-level U.S./Iranian meeting in Tehran. During the London meeting, the Iranian urged that we (U.S. and Israel) act urgently to help with Iranian air defense. He emphasized that the Iraqi Air Force was increasingly effective of late and that the Iranians were desperate to stop attacks on population centers. The Israelis also used this opportunity to privately ask the U.S. to replace the 500 TOWs which they had sent to Iran in August, 1983.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on May 15, the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA annuitant, CIA communicators, members of the NSC staff, and the Israeli and Iranian interlocutors. The Israelis were informed via coded message on May 15 that the U.S. had agreed to the Iranian request for limited anti-air defense equipment and to replenish the 500 TOWs sent by Israel.

On May 16, the Iranians, through the Israelis provided \$6.5M for deposit in the CIA secure funding mechanism. The funds were used to acquire 500 TOW missiles (for replenishing the TOWs Israel shipped in September 1983) and acquiring RAMM missile electronic spare parts. This material was subsequently moved to [REDACTED] repackaged and shipped to Kelly AFB for onward movement to Israel on May 22. As in the February shipment, the CIA provided logistics support for the movement of this materiel to Israel.

In order to ensure operational security, the McFarlane trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (RAMM spare

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electronic parts). At the specific request of the Iranians, alias foreign documentation [redacted] -- obtained from the CIA -- was used. CIA also provided covert transportation support from COMUS to Israel for the McFarlane party. The group was transported from Israel to Tehran aboard an Israeli Air Force 707 with false flag markings.

In the course of the four-day (May 15-18) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidentially approved Terms of Reference (Tab 8), which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan and the Soviet threat to the Gulf) through dialogue.

During these meetings, both sides used the opportunity to detail the obstacles to implementing a strategic relationship between the two countries. In addition to the points noted above, Mr. McFarlane emphasized the political problems caused by Iranian involvement in the hostage issue. The Iranians objected to the USG embargo on U.S. military supplies already paid for plus the continued USG blocking of Iranian assets in the U.S., even after U.S. courts had ruled in their favor. During the course of these meetings, the Iranian officials admitted that they could not win the war, but were in a dilemma in Tehran over how to end the conflict given the need to present an Iranian "victory" before it could be concluded. They emphasized that the original aggressor, Saddam Hussein, must be removed from power in order for the war

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to end. Mr. McFarlane concluded the visit by summarizing that notwithstanding Iranian interest in carrying on with the dialogue, we could not proceed with further discussions in light of their unwillingness to exert the full weight of their influence to cause the release of the Western hostages in Lebanon.

On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 16, Father Lawrence Jenko was released in the Bekka Valley and found his way to a Syrian military checkpoint.

On August 3, the remaining three pallets (less than 4 plane-load) of electronic parts for Iranian anti-aircraft defenses (BAMR missile sub-components) arrived in Tehran. As in all flights to/from Iran this delivery was made with an Israeli ~~Adm. Fagan~~ aircraft (707) using false flag markings. Timing of the delivery was based on coordination among U.S., Israeli and Iranian officials.

In early August 1986, the contact with the Iranian expatriate began to focus exclusively on the willingness of the USG to provide military assistance to Iran in exchange for hostages and we sought to establish different channels of communication which would lead us more directly to pragmatic and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (NGEM Richard Secord, USAF [Ret.]) acting within the purview of the January Covert Action Finding, made contact in Europe with [redacted]

C. [redacted] with the assistance of the CIA, this Iranian [redacted] was brought covertly to Washington for detailed discussions. We judged this effort to be useful in establishing contact with a close confidant of the man judged to be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided assessments designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war. The assessments also detailed the Soviet threat to Iran.

Through August, September, and October 1986, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts. During the October 26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. C. The Iranian [redacted] urged that we take a more active role in support for the Afghan resistance [redacted]

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The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 tank. The Iranians have also offered to provide a copy of the 400 page interrogation of Beirut Station Chief William Buckley. At this meeting, [redacted] stated that there was a "very good chance that another American or two would be freed soon." On October 29, with U.S. acquiescence, Israel provided Iran with an additional increment of defensive weapons (500 TOW missiles).

- C. Late on October 31, [redacted] called the U.S. citizen (Makin) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of an American -- David Jacobson -- and an uncertain number of French hostages. He further noted that this would be part of the purpose of the Iranian Foreign Minister's visit to Syria -- an event we became aware of on November 1, 1986. [redacted] stated that the situation in Tehran, as well as Iranian influence over Hizballah were both deteriorating;

On November 2, David Jacobson was released by his captors near the U.S. American Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy official to West Beirut to pick up Mr. Jacobson.

It is now apparent that persistent U.S. efforts to establish contact with Iran and subsequent public speculation regarding these contacts have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a purposely distorted version of the May 1986 McFarlane mission in his November 4 address to the masses. Moderate Iranian political leaders apparently now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The revelations in Tehran regarding the McFarlane mission are demonstrable evidence of the internal power struggle. The October 1986 arrest of radical leader Mehdi Hashemi, a close confidant and son-in-law of Ayatollah Montazeri, for acts of terrorism and treason has caused further internal conflict.

Resolution of the Lebanon hostage situation is also complicated by waning Iranian influence in Lebanon due in part to financial constraints and the fact that the Libyans are expanding their

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conferred with more radical Hizballah elements.

On November 7, the day after a meeting with U.S. officials, Iranian government authorities arrested six other individuals involved in radical activities. Among the two were senior military officers and a Majlis deputy (Ahmad Kashani), the grandson of Ayatollah Kashani, a conspirator in the 1949 attempt against the Shah.

Despite these internal difficulties and extended publicity in the Western media, the Iranians continue to maintain direct contact with the USG and met again in Geneva on November 9-10 with NSC and CIA representatives.

[redacted] the two principal Iranian contacts continue to communicate with the U.S.

C. [redacted] the Iranians still intend to deliver the T-72 tank

D. [redacted] "positive statement" will be made in the near future by Khasaniani.

D.C. [redacted] Both [redacted] warned that further disclosures could harm them personally and the longer-term interests of the two countries.

It is important to note that since the initiation of the USG contact with Iran there has been no evidence of Iranian government complicity in acts of terrorism against the U.S. We do not know who seized the last three American hostages in Beirut (Messrs. Reed, Cicippio, and Tracy). The Islamic Jihad Organization (IJO) has disclaimed responsibility -- as have our Iranian interlocutors.

[redacted] It is possible that these three Americans were kidnapped at the direction of Iranian radicals

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loyal to the now imprisoned Mehdi Hashemi. If so, this could be an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the pragmatic faction with which we have been in contact.

Throughout this process, the USG has acted within the limits of established policy and in compliance with all U.S. law. The shipment of 2,000 U.S. TOWs and 235 HAWK missile electronic spare parts was undertaken within the provisions of a Covert Action Finding.

During the course of this operation -- and before -- the U.S. was cognizant of only three shipments from Israel to Iran. Specifically:

- The Israelis acknowledged the August 1985 shipment of 500 TOWs after it had taken place. Until we were advised by the Israelis, and had the information subsequently confirmed by Iranian authorities, we were unaware of the composition of the shipment. We subsequently agreed to replace these TOWs in May of 1986.
- The November 1985 shipment of 10 Israeli HAWK missiles was not an authorized exception to policy. This shipment was retrieved in February 1986 as a consequence of U.S. intervention.
- The October 1986 shipment of 500 TOWs from Israel to Iran was undertaken with U.S. acquiescence. These TOWs were replaced on November 7.

In support of this Finding and at the direction of the President, the CIA provided the following operational assistance:

- CIA communications officers and an annuitant to assist in various phases of the operation.
- Sterile overseas bank accounts for financial transactions.
- A secure transshipment point for the dispatch of U.S. military items from the U.S.
- Transshipment of military items from the U.S. to Israel.
- Communications and intelligence support for the meetings with Iranian officials and the McFarlane trip to Tehran in May.

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- Cleared meeting sites in Europe for meetings with Iranian officials.
- Fabricated and allies documentation for U.S. and foreign officials for meetings in Europe and Tehran.

The weapons and materiel provided under this program were judged to be inadequate to alter either the balance of military power or the outcome of the war with Iraq. They have, however, demonstrated the U.S. commitment to Iranian territorial integrity and served to support those in Iran interested in opening a strategic relationship with the U.S. U.S. efforts over the last 18 months have had tangible results on Iranian policy:

- The Rafsanjani/Velayati intervention on behalf of the TWA 847 passengers (June 1983).
- Iranian direction that the hijacked Pan Am 873 would not be received in Iranian territory if it left Karachi.
- 
- The release of three American and at least two French hostages.
- The initiation of an Iranian dialogue with their regional neighbors.
- Continued delay in the Iranian "final offensive."

Finally, it must also be noted that the U.S. arms embargo notwithstanding, West European nations have provided \$500 million a year in military equipment to Iran. Most of these transfers were accomplished with government knowledge and/or acquiescence.

All appropriate Cabinet Officers have been apprised throughout. The Congress was not briefed on the covert action finding due to the extraordinary sensitivity of our Iranian contacts and the potential consequences for our strategic position in Southwest Asia. Finally, our efforts to achieve the release of the hostages in Lebanon must continue to rely on discreet contacts and intermediaries who cannot perform if they are revealed.

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DEPOSITION
EXHIBIT

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III. SOVIET MILITARY POSTURE

- Moscow has designs on parts of Iran. [REDACTED]
- Afghanistan illustrates the price the Soviets are ready to pay to expand areas under their direct control.
- Summarize Soviet capabilities along border and inside Afghanistan which could threaten Tehran.
- U.S. is aware of Soviet activity [REDACTED]
- Soviet plans [REDACTED] How they would do it.
- Iranian support to Sandinista regime in Nicaragua aids and abets Soviet designs -- makes U.S.-Iranian relationship more difficult (\$100 million in oil, plus arms).
- U.S. can help Iran cope with Soviet threat.

IV. AFGHANISTAN

- May be real value for Iran and U.S. to find ways to [REDACTED]
- U.S. can provide humanitarian assistance for refugees [REDACTED] well as lethal aid for Mujahideen.
- We need to know who you work with, what you already provide, and devise strategy to exploit Iranian comparative advantage.

V. HARDWARE

- We may be prepared to resume a limited military supply relationship.
- However, its evolution and ultimate scope will depend on whether our convergent or our divergent interests come to loom larger in the overall picture.
- What does Iran want?

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(Maximum Version)U.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGES

From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in that critical part of the world and to try and reestablish a constructive working relationship. Even before President Reagan came to office the U.S. Government agreed to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. In the fall of 1979, the U.S. undertook three secret missions to Tehran:

- September 1979 [REDACTED]
- October 1979 [REDACTED]
- October-November 1979 [REDACTED] discussed normalization of relations)

When these meetings and the secret November 1, 1979 meeting in Algiers, between Brzezinski and Prime Minister Bazargan, became public in Iran, they precipitated the takeover of the U.S. Embassy by radical elements and led to the resignation of the Bazargan government. These events have adversely influenced Iran's subsequent willingness to engage in any direct contact with the USG.

Despite mutual difficulties involved in re-establishing normal relations, our strategic interests in the Persian Gulf mandate persistent efforts on our part to try to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- Egypt, Jordan, Morocco, Israel, South Africa, and the United States. Even Iraq continues to have diplomatic relations with Iran.

Iran, the key to a region of vital importance to the West, is increasingly threatened by growing Soviet military and political influence along its borders and inside its territory. Over the course of the last two years, the Soviets and their surrogates have moved actively to gain influence in the Gulf:

- The Soviets believe that once Khomeini dies, they will have an excellent opportunity to influence the formation of a government in Tehran which serves Soviet strategic interests in the area.

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-- Communist nations have become principal arms suppliers to Iran -- making Iran dependent on this source of supply in contending with an increasingly threatening Iraq. This leads us to the conclusion that the Soviets may well be attempting to pursue their own revolution in Iran. That is, by fueling both sides in the conflict, the Soviets could well encourage a disastrous "final offensive" by Iran that would precipitate a political disintegration in Iran, leaving a power vacuum which the Soviets could exploit. Specifically, the Communist influence in Iran stems from:



The increasing desperation brought on by the costs of the Iran-Iraq war has exacerbated Iran's vulnerability to Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran from Afghanistan have made reopening a strategic dialogue increasingly important.

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In short, the Soviets were far better positioned to significantly improve their influence in the region in 1983 when we were presented with an opportunity to open a dialogue with Iran. In deciding to exploit this opening, we evaluated previous efforts through more conventional channels which had not succeeded.

Since 1983, various countries have made overtures to the U.S. and Iran in an effort to stimulate direct contact.

About two years ago, senior Iranian officials apparently decided that some accommodation with the U.S. was necessary. However, internal splits and debates made it difficult for them to respond to these overtures.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in establishing contact in Iran or in seeking Iranian assistance in the release of our citizens held hostage in Lebanon.

In 1985, a private American citizen (Michael Ledeen) was approached by a representative of the Israeli government (David Kimche), who reported that they had established a liaison relationship with an Iranian expatriate (Manuchehr Ghorbanifar) in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the officials involved, he (Ghorbanifar) indicated that his "sponsors" in Tehran could also help to resolve the American hostage situation in Beirut.

The Israelis analyzed this intermediary's background exhaustively in order to validate his legitimacy. This analysis led them to have extremely high confidence in his standing and genuine relationship to the highest Iranian officials. Based in large part upon the Israeli evaluation and in recognition of the clear U.S. interest in a dialogue that might, over time, lead to the moderation of Iranian policies, the U.S. established an indirect contact with the Iranian intermediary in mid-1985, through the private U.S. citizen and a senior Israeli official. These contacts were established through the National Security Council staff with the full knowledge of appropriate Cabinet officers. From the very first meeting with the Israelis and the Iranian, it was emphasized that the USG could not proceed with direct contact unless Iran renounced terrorism as an instrument of state policy.

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In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities. [REDACTED] Majlis Speaker Rafsanjani, who was travelling in the mid-east at the time, and Iranian Foreign Minister Velayati both intervened with the captors. Rafsanjani, in his speech on November 4, 1986, for the first time publicly acknowledged his role in this matter.

In September of 1985, the Israelis advised that they were close to achieving a breakthrough in their contacts with Iran and would proceed unless we objected. It is important to note that the U.S. had long been aware of Israeli efforts to maintain discreet contact with Iran and to provide Iran with assistance in its war with Iraq. Despite long-term U.S. efforts to convince the Israelis to desist, Israel continued to provide limited military and industrial technology to Iran. The USC judged that the Israelis would persist in these secret deliveries, despite our objections, because they believed it to be in their strategic interests.

On August 22, 1985, the U.S., through the U.S. citizen intermediary, acquiesced in an Israeli delivery of military supplies (508 TOWs) to Tehran. We were subsequently informed that the delivery had taken place at the end of August, though we were not aware of the shipment at the time it was made. U.S. acquiescence in this Israeli operation was based on a decision at the highest level to exploit existing Israeli channels with Tehran in an effort to establish an American strategic dialogue with the Iranian government.

On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, the Special Envoy of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnappers. [REDACTED]

On October 4, 1985, Islamic Jihad announced that it had "executed" Beirut Station Chief William Buckley in retaliation for the October 1 Israeli air raid on PLO installations in Tunis. This announcement led to a series of meetings in Europe among the U.S. (CIA and NSC), Israeli, and Iranian intermediaries. In these meetings, the Iranians indicated that, while their ability to influence the Hizballah was waning, the Hizballah had not killed

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Buckley; he had in fact died several months earlier of natural causes. We have since substantiated this information in debriefs of Father Janco and David Jacobsen, both of whom indicate that Buckley probably died on June 3, 1985 of pneumonia-like symptoms.

In late November 1985, the Israelis, responding to urgent entreaties from the Iranians, provided 18 basic RAHW missiles to Iran in order to improve the static defenses around Tehran. The Israeli delivery of RAHW missiles raised U.S. concerns that we could well be creating misunderstandings in Tehran and thereby jeopardizing our objective of arranging a direct meeting with high-level Iranian officials. These missiles were subsequently returned to Israel in February 1986, with U.S. assistance. On December 6-8, 1985, the National Security Adviser met in London with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At the meeting, Mr. McFarlane stated that our goals were to:

- Devising a formula for re-establishing a balanced relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure the territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

Mr. McFarlane made clear that a Western dialogue with Iran would be precluded unless Iran was willing to use its influence to achieve the release of Western hostages in Beirut. He also made clear that we could not and would not engage in trading arms for hostages.

On January 3, 1986, the President approved a covert action finding directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. In accord with extant statutes, the President directed that the Director of Central Intelligence ~~submit a report~~ report the finding to the appropriate committees of the Congress until reasonably sure that the lives of those carrying out the operation (both U.S. and foreign) would not be in jeopardy.

On February 5-7, U.S. officials (NSC and CIA ~~representatives~~), a representative of the Israeli Prime Ministry (Amiran Nir), and a senior-level Iranian official ~~met in London~~

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[redacted] met in Germany. At this meeting, the Iranians agreed that, if the USG would provide TOW weapons to Iran, they would, in turn, provide same to the Afghan Mujahideen. The U.S. agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

- The Iranian Intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would covertly obtain material authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using the procedures stipulated above, funds were deposited in the CIA account in Geneva on February 11, 1986 and on February 14 1,000 TOWs were transported to Israel for pre-positioning. The TOWs were off-loaded and placed in a covert Israeli facility.

On February 19-21, U.S. and Iranian officials (NSC and CIA) met again in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced on the morning of February 20 and completed in two transits to Tehran on February 21.

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

[redacted]

The escalation of tensions with Libya, leading up to the April 14 strike, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the

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effort in late April, 1986. At that point, the Iranian expatriate advised us that the leadership in Tehran was prepared to commence a secret dialogue with the United States along the lines of our established goals. We believe that the Iranians were stimulated to renew the contact by the April 17 murder of hostage Peter Kilburn in retaliation for the U.S. raid on Libya. [REDACTED]

The Iranian expatriate told the NSC and CIA officers, who met with him in Europe at the end of April, that the Iranians did not wish to be accused of any culpability in Kilburn's death. [REDACTED]

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on May 13, the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA annuitant, CIA communicators, members of the NSC staff, and the Israeli and Iranian interlocutors. In order to ensure operational security, the trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (BAMR spare electronic parts). At the specific request of the Iranians, alias foreign documentation [REDACTED] was obtained from the CIA.

In the course of the four-day (May 23-29) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidentially approved Terms of Reference (Tab A), which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel us from the Middle East;
- that we firmly opposed their use of terrorism;

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- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan) through dialogue.

During these meetings, both sides used the opportunity to detail the obstacles to implementing a strategic relationship between the two countries. In addition to the points noted above, Mr. McFarlane emphasized the political problems caused by Iranian involvement in the hostage issue. The Iranians objected to the USG embargo on U.S. military supplies already paid for plus the continued USG blocking of Iranian assets in the U.S., even after U.S. courts had ruled in their favor. During the course of these meetings, the Iranian officials admitted that they could not win the war, but were in a dilemma in Tehran over how to end the conflict given the need to present an Iranian "victory" before it could be concluded. They emphasized that the original aggressor, Saddam Hussein, must be removed from power in order for the war to end. Mr. McFarlane concluded the visit by summarizing that notwithstanding Iranian interest in carrying on with the dialogue, we could not proceed with further discussions in light of their unwillingness to exert the full weight of their influence to cause the release of the hostages.

On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 26, Father Lawrence Jenco was released in the Bekka Valley and found his way to a Syrian military checkpoint. On August 1, three pallets (less than 4 palletload) of electronic parts for Iranian anti-aircraft defenses (HAWK missile sub-components) arrived in Tehran (from Israel).

In early August 1986, the contact with the Iranian expatriate began to focus exclusively on the willingness of the USG to provide military assistance to Iran in exchange for hostages and we sought to establish different channels of communication which would lead us more directly to pragmatic and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (MGM Richard Secord, USAF (Ret.)) acting within the purview of the January Covert Action Finding, made contact in Europe with [redacted] of a senior Iranian official (Rafsanjani). With the assistance of the CIA, this Iranian (Ali) was brought covertly to Washington for detailed discussions. We judged this effort to be useful in establishing contact with a close confidant of the man judged to

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be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided intelligence designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war.

Through August, September, and October 1986, numerous additional meetings were held in Europe between U.S. representatives and the new and Iranian contacts. During the October 26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranian, [REDACTED], urged that we take a more active role in support for the Afghan resistance [REDACTED]

The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 [REDACTED]. At this meeting, [REDACTED] stated that there was a "very good chance that another American or two would be freed soon." On October 29, with U.S. acquiescence, Israel provided Iran with an additional increment (500 TOW missiles) of these defensive weapons.

Late on October 31, [REDACTED] called the U.S. citizen (Hakim) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of American -- David Jacobsen -- and an uncertain number of French hostages. He further noted that this was part of the purpose of the Iranian Foreign Minister's visit to Syria. [REDACTED] stated that the situation in Tehran, as well as Iranian influence over Hezbollah were both deteriorating; [REDACTED]

On November 2, David Jacobsen was driven to a point near the old American Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy officer to West Beirut to pick up Mr. Jacobsen.

It is now apparent that persistent U.S. efforts to establish contact with Iran have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a highly fabricated version of the May 1986 McFarlane mission in his

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November 4 address to the masses. Moderate Iranian political leaders apparently now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The revelations in Tehran regarding the McFarlane mission are demonstrable evidence of the internal power struggle. The October 1986 arrest of radical leader Mehdi Hashemi, a close confidant and son-in-law of Ayatollah Montazeri, for acts of terrorism and treason has caused further internal conflict. Resolution of the Lebanon hostage situation is also complicated by varying Iranian influence in Lebanon due in part to financial constraints and the fact that the Syrians are expected to make contacts with more radical Hezbollah elements.

Despite these internal difficulties attendant publicity in the Western media, the Iranian government to maintain direct contact with the USG and met again in Geneva on November 3-12 with NSC and CIA representatives.

It is important to note that since the initiation of the USG contact with Iran there has been no evidence of Iranian government complicity in acts of terrorism against the US. We believe that the September-October kidnappings of Messrs. Reed, Cicippio, and Tracy were undertaken in an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the moderate faction with whom we have been in contact.

Contrary to speculative reports that these hostages were taken in order to stimulate the acquisition of more arms, they were most likely captured in order to prevent the very rapprochement with Iran we are seeking.

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Throughout this process, the USG has acted within the limits of established policy and in compliance with all U.S. law. The shipment of 2,008 TOWs and 215 Hawk missile parts was undertaken under the provisions of a covert action finding.

In support of this finding and at the direction of the President, the CIA provided the following operational assistance:

- Sterile overseas bank accounts for financial transactions.
- A secure transshipment point for the dispatch of U.S. military items from the U.S.
- Transshipment of military items from the U.S. to Israel.
- Communications and intelligence support for the meeting with Iranian officials and the McFarlane trip to Tehran in May.
- Cleared meeting sites in Europe for meetings with Iranian officials.
- Alias documentation for U.S. and foreign officials for meetings in Europe and Tehran.

The weapons and materiel provided under this program are in no way adequate to alter the balance of military power nor the outcome of the war with Iraq. They have, however, had a positive effect on the Afghan resistance and demonstrated the U.S. commitment to Iranian territorial integrity. Further, U.S. efforts over the last 18 months have had tangible results on Iranian policy:

- The Rafsanjani/Velayati intervention on behalf of the TWA 847 passengers (June 1983).
- Iranian direction that the hijacked Pan Am 673 could not leave Karachi for Iranian territory.
- [REDACTED]
- The release of three American and two French hostages.

It should also be noted that the U.S. arms embargo notwithstanding, West European nations have provided \$500 million a year in military equipment to Iran. Most of these transfers were accomplished with government knowledge and/or acquiescence.

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All appropriate Cabinet Officers have been apprised throughout. The Congress was not briefed on the covert action finding due to the extraordinary sensitivity of our Iranian contacts and the potential consequences for our strategic position in Southwest Asia. Finally, our efforts to achieve the release of the hostages in Lebanon must continue to rely on discreet contacts and intermediaries who cannot perform if they are revealed.

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U.S./IRANIAN CONTACTS AND THE AMERICAN HOSTAGESDEPOSITION
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From the earliest months following the Islamic revolution in Iran, the U.S. Government has attempted to reestablish official contact with that government in order to discuss strategic developments in this critical part of the world and reconstruct a working relationship. Even before President Reagan came to office the U.S. Government agreed to try to expand security, economic, political, and intelligence relationships at a pace acceptable to Tehran. In the fall of 1979, the U.S. undertook three secret missions to Tehran:

- September 1979 [redacted] (met secretly with Bazargan at the request of the Iranians)
- October 1979 [redacted]
- October-November 1979 - [redacted] (discussed normalization of relations)

When these meetings and the secret November 1, 1979 meeting in Algiers, between Brzezinski and Prime Minister Bazargan, became public in Iran, they helped precipitate the takeover of the U.S. Embassy by radical elements and led to the resignation of the Bazargan government. These events have adversely influenced Iran's subsequent willingness to engage in any direct contact with the USG.

Despite mutual difficulties involved in re-establishing normal relations, our strategic interests in the Persian Gulf mandate persistent efforts to establish a dialogue. In this regard, it is notable that only a few major countries do not have relations with Iran -- Egypt, Jordan, Morocco, Israel, South Africa, and the United States. Even Iraq continues to have diplomatic relations with Iran.

Iran is the key to a region of vital importance to the West, yet it is increasingly threatened by growing Soviet military power and political influence along its borders and inside its territory. Over the course of the last two years, the Soviets and their surrogates have moved actively to gain greater influence in the Gulf:

- The Soviets believe that once Khomeini dies, they will have an excellent opportunity to influence the formation of a government in Tehran that serves Soviet strategic interests in the area.

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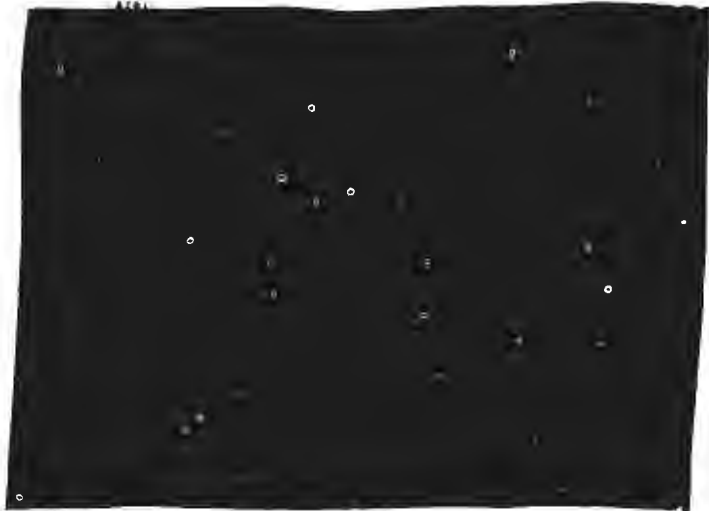
22 June 1987
under provisions of E.O. 12958
by G. Roper, National Security Council

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-- Communist nations have become the principal arms suppliers to Iran -- making Iran dependent on this source of supply in contending with an increasingly strengthened Iraq. This leads us to the conclusion that the Soviets may well be attempting to pursue their own revolution in Iran. That is, by fueling both sides in the conflict, the Soviets could well encourage a disastrous "final offensive" by Iran that would precipitate a political disintegration in Iran, leaving a power vacuum which the Soviets could exploit. Specifically, the indicators of Communist influence in Iran



The increasing desperation brought on by the costs of the Iran-Iraq war has exacerbated Iran's vulnerability to Soviet influence. Moreover, Soviet designs in Afghanistan, pressure on Pakistan, and actual crossborder strikes in Iran from Afghanistan have made reopening a strategic dialogue increasingly important.

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In short, the Soviets were far better positioned to improve significantly their influence in the region in 1985 when we were presented with an opportunity to open a dialogue with Iran. In deciding to exploit this opening, we evaluated previous efforts through more conventional channels which had not succeeded.

About two years ago, senior Iranian officials apparently decided that some accommodation with the U.S. was necessary. Since 1983, various countries have been engaged in overtures to the U.S. and Iran in an effort to stimulate direct contact.

However, internal splits and debates made it difficult for the Iranians to respond to these overtures.

Numerous individuals and private parties have likewise attempted to be helpful as intermediaries in establishing contact in Iran or in seeking Iranian assistance in the release of our citizens held hostage in Lebanon.

In the spring of 1985, a private American citizen (Michael Ledeen) learned from an Israeli government official (David Kimche) that the Israelis had established a liaison relationship with an Iranian expatriate (Manuchehr Ghorbanifar) in Europe who sought Israeli help in establishing contact with the U.S. Government. In acknowledging the need to demonstrate the bonafides of the Iranian officials involved, he (Ghorbanifar) indicated that his "sponsors" in Tehran could also help to resolve the American hostage situation in Beirut.

In June of 1985, in the midst of the TWA-847 hijacking, the Israeli officials in direct contact with the Iranian expatriate asked him to use his influence with senior Iranian officials to obtain the release of the hijacked passengers. Two days after this approach, four Americans held separately from the rest of the hijacked passengers were freed and turned over to Syrian authorities. Majlis Speaker Rafsanjani, who was travelling in the mid-east at the time, and Iranian Foreign Minister Velayati both intervened with the captors. Rafsanjani, in his speech on November 4, 1985, for the first time publicly acknowledged his role in this matter.

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On July 3, 1985, during a visit to Washington, an Israeli official (Kimche) advised National Security Advisor, Robert McFarlane, that Israel had established a channel of communication with authoritative elements in Iran who were interested in determining whether the United States was open to a discreet, high-level dialogue. The Iranians were described as comprising the principal figures of the government (i.e., Speaker of the Majlis Rafsanjani, Prime Minister Musavi, and Khomeini's heir-apparent, Ayatollah Montazeri) and as being devoted to a reorientation of Iranian policy.

At this first meeting, McFarlane went to great length to draw out the Israeli as to why he found the Iranian proposal credible, given the events of the past six years. The Israeli replied that their exhaustive analysis had gone beyond the surface logic deriving from the chaos and decline within Iran and the degenerative effects of the war, to more concrete tests of the willingness of the Iranians to take personal risks. He noted that the Iranians had exposed themselves to possible compromise by meeting with Israelis and by passing extremely sensitive intelligence on the situation (and political line-up) within Iran -- information which was proven valid.

The Israeli asked for our position on opening such a dialogue. No mention was made of any pre-conditions or Iranian priorities. McFarlane conveyed this proposal to the President (in the presence of the Chief of Staff). The President said that he believed such a dialogue would be worthwhile at least to the point of determining the validity of the interlocutors. This decision was passed to the Israeli diplomat by telephone on July 30.

On August 2, 1985, the Israeli called again on McFarlane. At this meeting, he stated that he had conveyed our position to the Iranian intermediary and that the Iranians had responded that they recognized the need for both sides to have tangible evidence of the bona fides of the other and that they believed they could affect the release of the Americans held hostage in Lebanon.

According to the Israeli, the Iranians separately stated that they were vulnerable as a group and before having any prospect of being able to affect change within Iran they would need to be substantially strengthened. To do so, they would need to secure the cooperation of military and/or Revolutionary Guard leaders. Toward this end, they expressed the view that the most credible demonstration of their influence and abilities would be to secure limited amounts of U.S. equipment. The Israeli asked for our position on such actions.

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Mr. McFarlane elevated this proposition to the President at a meeting within days that included the Secretaries of State and Defense and the Director of Central Intelligence. The President stated that, while he could understand that assuming the legitimacy of the interlocutors, they would be quite vulnerable and ultimately might deserve our support to include tangible material; at the time, without any first hand experience in dealing with them, he could not authorize any transfers of military material. This was conveyed to the Israeli.

On August 22, 1985, the Israeli diplomat called once more to report that the message had been conveyed and that an impasse of confidence existed. He asked what the position of the U.S. Government would be to an Israeli transfer of modest quantities of defensive military material. McFarlane replied that to him, such an action would represent a distinction without a difference. The Israeli diplomat explained at great length that Israel had its own policy interests that would be served by fostering such a dialogue in behalf of the U.S., but that a problem would arise when ultimately they needed to replace items shipped. He asked whether Israel would be able to purchase replacements for items they chose to ship. McFarlane stated that the issue was not the ability of Israel to purchase military equipment from the U.S. -- they had done so for a generation and would do so in the future -- but rather the issue was whether it was U.S. policy to ship allow others to ship military equipment to Iran. The Israeli asked for a position from our government. McFarlane elevated the question to the President (and to the Secretaries of State and Defense and the Director of Central Intelligence). The President stated that, while he could envision providing material support to moderate elements in Iran if all the Western hostages were freed, he could not approve any transfer of military material at that time. This position was conveyed to the Israeli diplomat.

On September 14, 1985, Reverend Benjamin Weir was released in Beirut by the Islamic Jihad Organization. This release was preceded by an intense effort on the part of Mr. Terry Waite, the Special Enissary of the Archbishop of Canterbury. To this date, Mr. Waite remains the only Westerner to ever meet directly with the Lebanese kidnapers.

In late September, we learned that the Israelis had transferred 508 TOW missiles to Iran and that this shipment had taken place in late August. The Israelis told us that they undertook the action, despite our objections, because they believed it to be in their strategic interests. The Israelis managed this entire operation, to include delivery arrangements, funding, and transportation. After discussing this matter with the President, it was decided not to expose this Israeli delivery because we were not to reveal the transfer to Iran. ~~It was also decided that the information contained in this document was to be kept confidential.~~

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wanted to retain the option of exploiting the existing Israeli channel with Tehran in our own effort to establish a strategic dialogue with the Iranian government. The total value of the 500 TOWs shipped by Israel was estimated to be less than \$2 million.

On October 4, 1985, Islamic Jihad announced that it had "executed" Beirut Station Chief William Buckley in retaliation for the October 1 Israeli air raid on PLO installations in Tunis. This announcement led to a series of meetings in Europe among the U.S. (CIA and NSC), Israeli, and Iranian intermediaries. In these meetings, the Iranians indicated that, while their ability to influence the Hizballah was waning, the Hizballah had not killed Buckley; he had in fact died several months earlier of natural causes. We have since substantiated this information in debriefing of Father Jenco and David Jacobsen, both of whom indicate that Buckley probably died on June 3, 1985 of pneumonia-like symptoms.

In mid-November, the Israelis through a senior officer in the Prime Minister's office (Aharon Mizr), indicated that the Government of Israel was convinced that they were nearing a breakthrough with Iran on a high-level dialogue. The Israeli asked a U.S. official (North) for the name of a European-based airline which could discreetly transit to Iran for the purpose of delivering passengers and cargo. We were assured at the time, that the Israelis were going to "try oil drilling parts as an incentive," since we had expressed so much displeasure over the earlier TOW shipment. The name of the proprietary [redacted] was passed to the Israeli, who subsequently had the aircraft chartered through normal commercial channels for a flight from Tel Aviv to Tabriz, Iran, on November 25, 1985. In January, we learned that the Israelis, responding to urgent entreaties from the Iranians, used the aircraft to transport 18 HAWK missiles to Iran in an effort to improve the static air defenses around Tehran. The Israelis were unwitting of the CIA's involvement in the airline and the airline was paid at the normal commercial rate (approximately \$127,700). The airline personnel were also unwitting of the cargo they carried.

The Israeli delivery of HAWK missiles raised serious U.S. concerns that these deliveries were jeopardizing our objective of arranging a direct meeting with high-level Iranian officials. As a consequence of U.S. initiative and by mutual agreement of all three parties, these missiles were subsequently returned to Israel in February 1986.

On December 7, the President convened a meeting in the White House (residence) to discuss next steps in our efforts to establish direct contact with the Iranians. Attending the

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meeting were the Chief of Staff, Secretaries of State and Defense, the Deputy Director of Central Intelligence, and the Assistant to the President for National Security Affairs and his Deputy. Immediately after the meeting, Mr. McFarlane departed for London to meet with the Israeli official and the Iranian contact to make clear the nature of our interest in a dialogue with Iran. At this meeting, Mr. McFarlane, as instructed by the President, stated that:

- the U.S. was open to a political dialogue with Iran, but that no such dialogue could make progress for as long as groups seen as dominated by Iran held U.S. hostages; and
- the U.S. could under no circumstances transfer arms to Iran in exchange for hostages.

These points were made directly to the Iranian interlocutor. The Iranian replied that, unless his associates in Tehran were strengthened, they could not risk going ahead with the dialogue. Mr. McFarlane acknowledged the position but stated we could not change our position. In a separate meeting with the Israeli official, Mr. McFarlane made clear our strong objections to the Israeli shipment of the TOW missiles. Following these meetings, Mr. McFarlane returned to Washington and shortly thereafter left active government service.

On January 2, the Prime Minister of Israel dispatched a special emissary to the U.S. (Amiram Nir) to review proposals for next steps in dealing with Iran. The Israelis urged that we reconsider the issue of providing limited defensive arms to those attempting to take power in Tehran, since all other incentives (economic assistance, medical supplies, machine parts) were of no value in shoring-up those who wanted an opening to the West. Admiral Poindexter noted our stringent objections to the HAWK missile shipments in November and noted that the U.S. would have to act to have them returned (a step undertaken in February, when all 18 missiles were returned to Israel). In that any implementation of the Israeli proposals would require the active participation of the intelligence community, the NSC Staff (North) was tasked to prepare a covert action finding. Work on this Presidential finding commenced on January 4.

On January 6, the President, the Vice President, the Chief of Staff, and the National Security Advisor and his assistant reviewed the first draft of the Finding and the recommendations made by the Prime Minister of Israel through his special emissary.

On January 7, the President met in the Oval Office with the Vice President, the Chief of Staff, Secretaries Shultz and Weinberger, Attorney General Meese, Director Casey, and the National Security

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- Advisor to discuss the overall situation in Iran and prospects for a strategic dialogue. It was again noted that Mr. McFarlane, on return from his trip to London, had recommended that no further action be taken unless a mechanism could be established by which the U.S. could exert better control over events. He agreed, in principle, with Director Casey that providing limited quantities of defensive arms after the hostages were released still had merit. Both Secretary Shultz and Secretary Weinberger objected to any provision of arms, citing that we could not be sure that these would really help moderate elements and that, if exposed, the project would not be understood by moderate Arabs and would be seen as contravening our policy of not dealing with states that support terrorism. The President decided that we should attempt to keep the Israeli channel active as long as it offered possibilities for meetings with high-level Iranian officials and left open the issue of providing defensive arms to Iran if all the hostages were released.

It was further determined by the President that any dialogue with the Iranians must be aimed at achieving the following goals:

- Devising a formula for re-establishing a strategic relationship with Tehran.
- Ending the Iran-Iraq War on honorable terms.
- Convincing Iran to cease its support for terrorism and radical subversion.
- Helping ensure the territorial integrity of Iran and coordinating ways in which we might counter Soviet activities in the region.

The President made clear that a Western dialogue with Iran would be precluded unless Iran were willing to use its influence to achieve the release of Western hostages in Beirut. He also made clear that we could not and would not engage in trading arms for hostages. Secretaries Shultz and Weinberger retained their original position on providing any arms to Iran, but Attorney General Meese and Director Casey both supported the concept as a valid means of opening the dialogue. Attorney General Meese noted a 1981 determination by then Attorney General French Smith that transferring small quantities of arms through third countries under a Covert Action finding was not illegal.



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-On January 16, a meeting was held in the National Security Advisor's office with Secretary Weinberger, Attorney General Meese, Director Casey, and CIA General Counsel Stanley Sporkin. At this meeting, the final draft of the Covert Action Finding was reviewed and was forwarded to the President with Secretary Weinberger dissenting.

On January 17, 1986, the President approved a Covert Action Finding (Tab A) directing that the intelligence community proceed with special activities aimed at accomplishing the goals set forth above. The President further determined that the activities authorized by the Finding justified withholding prior Congressional notification due to the extreme sensitivity of the dialogue being established. He further noted that public knowledge of the program would place the American hostages in Lebanon at greater risk. Noting his concern for the lives of those carrying out the operation (both U.S. and foreign), he directed that the Director of Central Intelligence refrain from reporting the finding to the appropriate committees of the Congress until reasonably sure that those involved would no longer be in jeopardy.

On February 5-7, U.S. officials (NSC and CIA representative of the Israeli Prime Ministry [Office MIP], and a senior-level Iranian official [redacted])

met in London. At this meeting, the Iranians agreed that, if the USG would provide defensive weapons (TOWs) to Iran, they would, in turn, provide same to the Afghan Mujahideen. The U.S. side agreed to explore this possibility and, working with the Israelis, established the following mechanism for transfer of the weapons:

- The Iranian intermediary (Ghorbanifar) would deposit funds in an Israeli account.
- The Israelis would transfer funds to a sterile U.S.-controlled account in an overseas bank.
- Using these funds, the CIA would covertly obtain material authorized for transfer from U.S. military stocks and transport this to Israel for onward movement to Iran.

Using the procedures stipulated above, \$3.7 million was deposited in the CIA account in Geneva on February 11, 1986 and on February 14, 1,000 TOWs were transported to Israel for pre-positioning. These TOWs were transferred by CIA from DOD (U.S. Army stocks in Anniston, Alabama) and transported through [redacted] using standard CIA-DOD [redacted] logistics arrangements. Policy-level coordination for these arrangements was effected by NSC (North) with DOD (Armitage) and CIA (Clair George). The TOWs were placed in a covert Israeli facility awaiting onward shipment.

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On February 19-21, U.S. (NSC and CIA), Israeli and Iranian officials met in Germany to discuss problems in arranging a meeting among higher-level officials. At this meeting, the Iranians committed

After coded authorization was received from Washington, the U.S. side agreed to provide 1,000 TOWs to Iran as a clear signal of U.S. sincerity. This delivery was commenced on the morning of February 20 and completed in two transits to Tehran on February 21. Transportation from Israel to Iran was aboard a false flag Israeli aircraft.

On February 24, U.S. (CIA and NSC) officials met again in Frankfurt with the Israeli and Iranian officials to discuss next steps. At this meeting, the U.S. side urged that the Iranians expedite a meeting among higher-level officials on both sides.

On February 28, the Prime Minister of Israel wrote to President Reagan (Tab 8) urging continued efforts to achieve a strategic breakthrough with Iran, but asking consideration for the safety of recently seized Israeli hostages.

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

The escalation of tensions with Libya, leading up to the April 14 strike, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the effort in late April, 1986. At that point, the Iranian expatriate advised us through the Israeli point-of-contact that the leadership in Tehran was prepared to commence a secret dialogue

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with the United States along the lines of our established policy. We believe that the Iranians were persuaded to change the contract by the threat of murder of Mustafa Reza Pahlavi.

IN RETALIATION FOR THE U.S. ROLES IN LIBYA.

The Iranian representative told the NSC and CIA officials, who met with him in Europe at the end of April, that the Iranians did not wish to be accused of any culpability in Oliver's death.

On May 6, 7, 1986, U.S. and Israeli officers met in London with the Iranian intermediary in which he urged that we take immediate steps to arrange for a high-level U.S./Iranian meeting in Tehran. During the London meeting, the Iranian urged that we (U.S. and Israel) take immediate steps to help with Iranian air defense. He emphasized that the Iraqi Air Force was increasingly effective of late and that the Iranians were desperate to stop attacks on population centers. The Israelis also used this opportunity to privately ask the U.S. to replace the 508 TOWs which they had sent to Iran in August, 1985. The Israelis were informed via coded message on May 15 that the U.S. had agreed to the Iranian request for limited anti-air defense equipment and to replenish the 508 TOWs sent by Israel.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on May 15, the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA annuitant, CIA communicators, members of the NSC staff, and the Israeli and Iranian interlocutors.

On May 16, the Iranians, through the Israelis provided \$6.5M for deposit in the CIA secure funding mechanism. The funds were used to acquire 508 TOW missiles (for replenishing the TOWs Israel shipped in September 1985) and acquiring HAWK missile electronic spare parts. This material was subsequently moved to [redacted] repackaged and shipped to Kelly AFB for onward movement to Israel on May 22. As in the February shipment, the CIA provided logistics support for the movement of this material to Israel.

In order to ensure operational security, the McFarlane trip was made from Israel, coincident with the delivery of a pallet of spare parts for Iranian defensive weapons systems (HAWK spare

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electronic parts). At the specific request of the Iranians, alias foreign documentation [redacted] -- obtained from the CIA -- was used. CIA also provided covert transportation support from COMUS to Israel for the McFarlane party. The group was transported from Israel to Tehran aboard an Israeli Air Force 707 with false flag markings.

In the course of the four-day (May 25-29) visit, lengthy meetings were held with high-level Iranian officials, the first direct contact between the two governments in over six years. Mr. McFarlane and his team were able to establish the basis for a continuing relationship and clearly articulate our objectives, concerns, and intentions. The group was also able to assess first hand the internal political dynamic in Tehran and the effect of the war which Iran clearly can no longer win. Using Presidentially approved Terms of Reference (Tab 8), which had been reviewed and approved by appropriate Cabinet officers, McFarlane emphasized that our interest in Iran transcended the hostages, but the continued detention of hostages by a Lebanese group philosophically aligned with Iran prevented progress. During the visit, Mr. McFarlane made clear:

- that we fundamentally opposed Iranian efforts to expel [redacted] from the Middle East;
- that we firmly opposed their use of terrorism;
- that we accepted their revolution and did not seek to reverse it;
- that we had numerous other disagreements involving regional policies (i.e., Lebanon, Nicaragua, etc.), but might also find areas of common interest (i.e., Afghanistan and the Soviet threat to the Gulf) through dialogue.

During these meetings, both sides used the opportunity to detail the obstacles to implementing a strategic relationship between the two countries. In addition to the points noted above, Mr. McFarlane emphasized the political problems caused by Iranian involvement in the hostage issue. The Iranians objected to the USG embargo on U.S. military supplies already paid for plus the continued USG blocking of Iranian assets in the U.S., even after U.S. courts had ruled in their favor. During the course of these meetings, the Iranian officials admitted that they could not win the war, but were in a dilemma in Tehran over how to end the conflict given the need to present an Iranian "victory" before it could be concluded. They emphasized that the original aggressor, Saddam Hussein, must be removed from power in order for the war

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to end. Mr. McFarlane concluded the visit by summarizing that notwithstanding Iranian interest in carrying on with the dialogue, we could not proceed with further discussions in light of their unwillingness to exert the full weight of their influence to cause the release of the Western hostages in Lebanon.

On June 10, Majlis Speaker Rafsanjani, in a speech in Tehran made guarded reference to Iranian interest in improved relations with the U.S. On July 26, Father Lawrence Jenco was released in the Bekka Valley and found his way to a Syrian military checkpoint.

On August 3, the remaining three pallets (less than 4 payload) of electronic parts for Iranian anti-aircraft defenses (HAWK missile sub-components) arrived in Tehran. As in all flights to/from Iran this delivery was made with an Israeli Air Force aircraft (707) using false flag markings. Timing of the delivery was based on coordination among U.S., Israeli and Iranian officials.

In early August 1986, the contact with the Iranian expatriate began to focus exclusively on the willingness of the USG to provide military assistance to Iran in exchange for hostages and we sought to establish different channels of communication which would lead us more directly to pragmatic and moderate elements in the Iranian hierarchy. In mid-August, a private American citizen (MGEM Richard Secord, USAF (Ret.)) acting within the purview of the January ~~Concave~~ Action Finding, made contact in Europe with [redacted] a relative [redacted] of a senior Iranian official (Rafsanjani). With the assistance of the CIA, this Iranian [redacted] was brought covertly to Washington for detailed discussions. We judged this effort to be useful in establishing contact with a close confidant of the man judged to be the most influential and pragmatic political figure in Iran (Rafsanjani). These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided assessments designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war. The assessments also detailed the Soviet threat to Iran.

Through August, September, and October 1986, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts. During the October 26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranian, [redacted] urged that we take a more active role in support for the Afghan resistance [redacted]

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The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 tank [redacted]. The Iranians have also offered to provide a copy of the 400 page interrogation of Beirut Station Chief William Buckley. At this meeting, [redacted] stated that there was a "very good chance that another American or two would be freed soon." On October 29, with U.S. acquiescence, Israel provided Iran with an additional increment of defensive weapons (500 TOM missiles).

Late on October 31, [redacted] called the U.S. citizen (Hakim) tasked to maintain contact and advised that Iran had "exercised its influence with the Lebanese" in order to obtain the release of an American -- David Jacobsen -- and an uncertain number of French hostages. He further noted that this would be part of the purpose of the Iranian Foreign Minister's visit to Syria -- an event we became aware of on November 1, 1986. [redacted] stated that the situation in Tehran, as well as Iranian influence over Hizballah were both deteriorating; [redacted]

[redacted] On November 2, David Jacobsen was released by his captors near the old American Embassy compound in West Beirut. The U.S. Embassy in East Beirut immediately dispatched an embassy officer to West Beirut to pick up Mr. Jacobsen.

It is now apparent that persistent U.S. efforts to establish contact with Iran and subsequent public speculation regarding these contacts have probably exacerbated the power struggle in Iran between pragmatic elements (led by Rafsanjani) and more radical factions (under the overall sponsorship of Ayatollah Montazeri). In late October, radical supporters (of Montazeri) revealed the (Rafsanjani) contact with the USG and the terms of the contact. In order to defend himself against charges of colluding with the USG and to preserve a degree of latitude for both parties, Majlis Speaker Rafsanjani provided a purposely distorted version of the May 1986 McFarlane mission in his November 4 address to the masses. Moderate Iranian political leaders apparently now feel constrained to settle their internal political problems before proceeding with the U.S. relationship. The revelations in Tehran regarding the McFarlane mission are demonstrable evidence of the internal power struggle. The October 1986 arrest of radical leader Mehdi Hashemi, a close confidant and son-in-law of Ayatollah Montazeri, for acts of terrorism and treason has caused further internal conflict.

Resolution of the Lebanon hostage situation is also complicated by waning Iranian influence in Lebanon due in part to financial constraints and the fact that the Libyans are expanding their

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On November 7, the day after a meeting with U.S. officials, Iranian government authorities arrested six other individuals involved in radical activities. Among the two were senior military officers and a Majlis deputy (Ahmad Kashani), the grandson of Ayatollah Kashani, a conspirator in the 1949 attempt against the Shah.

Despite these internal difficulties and attendant publicity in the Western media, the Iranians continue to maintain direct contact with the USG and met again in Geneva on November 9-10 with NSC and CIA representatives.

[REDACTED] the two principal Iranian contacts continue to communicate with the U.S.

[REDACTED] the Iranians still intend to deliver the r-v tank

[REDACTED] "positive statement" will be made in the near future by Rafeianani.

[REDACTED] Both [REDACTED] have warned that further disclosures could harm them personally and the longer-term interests of the two countries.

It is important to note that since the initiation of the USG contact with Iran there has been no evidence of Iranian government complicity in acts of terrorism against the U.S. We do not know who seized the last three American hostages in Beirut (Messrs. Reed, Cicippio, and Tracy). The Islamic Jihad Organization (IJO) has disclaimed responsibility -- as have our Iranian interlocutors.

[REDACTED] It is possible that these three Americans were kidnapped at the direction of Iranian radicals

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loyal to the now imprisoned Mehdi Hashemi. If so, this could be an effort to undermine the nascent U.S.-Iranian strategic dialogue and exacerbate the internal Iranian power struggle against the pragmatic faction with which we have been in contact.

Throughout this process, the USG has acted within the limits of established policy and in compliance with all U.S. law. The shipment of 2,008 U.S. TOWs and 235 HAMX missile electronic spare parts was undertaken within the provisions of a Covert Action Finding.

During the course of this operation -- and before -- the U.S. was cognizant of only three shipments from Israel to Iran. Specifically:

- The Israelis acknowledged the August 1985 shipment of 508 TOWs after it had taken place. Until we were advised by the Israelis, and had the information subsequently confirmed by Iranian authorities, we were unaware of the composition of the shipment. We subsequently agreed to replace these TOWs in May of 1986.
- The November 1985 shipment of 18 Israeli HAMX missiles was not an authorized exception to policy. This shipment was retrieved in February 1986 as a consequence of U.S. intervention.
- The October 1986 shipment of 500 TOWs from Israel to Iran was undertaken with U.S. acquiescence. These TOWs were replaced on November 7.

In support of this Finding and at the direction of the President, the CIA provided the following operational assistance:

- CIA communications officers and an annuitant to assist in various phases of the operation.
- Sterile overseas bank accounts for financial transactions.
- A secure transshipment point for the dispatch of U.S. military items from the U.S.
- Transshipment of military items from the U.S. to Israel.
- Communications and intelligence support for the meetings with Iranian officials and the McFarlane trip to Tehran in May.

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- Cleared meeting sites in Europe for meetings with Iranian officials.
- Fabricated and alias documentation for U.S. and foreign officials for meetings in Europe and Tehran.

The weapons and materiel provided under this program were judged to be inadequate to alter either the balance of military power or the outcome of the war with Iraq. They have, however, demonstrated the U.S. commitment to Iranian territorial integrity and served to support those in Iran interested in opening a strategic relationship with the U.S. U.S. efforts over the last 18 months have had tangible results on Iranian policy:

- The Rafsanjani/Velayati intervention on behalf of the TWA 1847 passengers (June 1985).
- Iranian direction that the hijacked Pan Am 873 would not be received in Iranian territory if it left Karachi.
- 
- The release of three American and at least two French hostages.
- The initiation of an Iranian dialogue with their regional neighbors.
- Continued delay in the Iranian "final offensive."

Finally, it must also be noted that the U.S. arms embargo notwithstanding, West European nations have provided \$300 million a year in military equipment to Iran. Most of these transfers were accomplished with government knowledge and/or acquiescence.

All appropriate Cabinet Officers have been apprised throughout. The Congress was not briefed on the covert action finding due to the extraordinary sensitivity of our Iranian contacts and the potential consequences for our strategic position in Southwest Asia. Finally, our efforts to achieve the release of the hostages in Lebanon must continue to rely on discreet contacts and intermediaries who cannot perform if they are revealed.

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Ollie Hunt

SUBJECT: Background and Chronology of Special Project



BACKGROUND: The USG has actively sought the release of American hostages held in Iran through various channels since 1984. In addition, the USG has been interested in getting the Government of Iran to moderate its support for international terrorism. As it became clear that some of the hostages were being held by the pro-Iranian faction of the Hizballah, it was felt that the Iranian Government might be able to put pressure on the Hizballah to release its hostages.

In late 1984, Michael Ledeen approached the NSC to discuss contacts with Iran and suggested the NSC work with Israeli officials who already had contacts with Iran based on their covert arms deals with that country. Ledeen met with Prime Minister Peres who agreed to help and introduced Ledeen to David Kimche and Jacob Nimradi, two other Israeli officials. These two Israelis, in turn, introduced Ledeen to Manucher Ghorbanifar, an Iranian arm merchant operating in Europe who was actively involved with the Israelis. Ledeen introduced Ghorbanifar to NSC officials. Ghorbanifar appeared to be well tied in with various factions within the Iranian Government and he served as the intermediary between the NSC and the Iranians.

In June 1985, the Hizballah hijacked TWA flight 847 and Iranian Majlis Speaker Rafsanjani played an important role in resolving that incident, which included the release of a number of Lebanese Shi'a held by Israel.

Throughout 1985 NSC contacts with Ledeen, Ghorbanifar, and the Israelis continued. In summer 1985, NSC ~~senior~~ officials first met Amiran Nir, an Israeli official on Peres' staff who was to become the principal Israeli contact in NSC dealings with Ghorbanifar and the Iranians.

In early September 1985, the CIA was asked by the NSC to ~~conduct~~ on Iranian communications due to the imminent release of an American hostage. The NSC informed the CIA that Ghorbanifar and ~~several~~ were involved.

On 14 September 1985, Reverend Weir was released by the Hizballah. At the same time, the Israelis, at NSC behest, delivered 508 TOW missiles to Iran. Since the Iranians would not pay for the TOW missiles until they were delivered, and since the NSC was instructed not to use any USG funds for the operation, Ghorbanifar used his contacts with Saudi financier Adnan Khashoggi to come up with \$5 million USD to pay for the

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by G. Peger, National Intelligence Sources
AND METHODS INVOLVED

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TOW missiles. The NSC agreed to provide the Israelis with 508 TOW missiles to replace those they provided for the operation. The aircraft carrying the TOW missiles delivered them to Tabriz but had problems during the return flight which forced a technical stop [redacted] before returning to Israel.

On 3 October 1985, the Hizballah announced they ^{had} ~~have~~ killed hostage Buckley, though later debriefings of released hostages indicate he probably died in early June 1985.

In November 1985, as the next step in the operation, the NSC arranged for Israel to send 18 [redacted] HAWK missiles to Iran. However, the Israelis neglected to remove the Israeli markings from some of the missiles. This oversight, plus the fact that the Iranians had been led to expect they would be receiving [redacted] HAWK missiles, led to a huge disagreement which caused further developments to grind to a halt.

B. In December 1985, McFarlane left the NSC and Poindexter ordered Ledeer out of the operation and made Ollie North directly responsible for dealing with Gorbaniyar [redacted]. On the Israeli side, Nimradi was replaced as the primary contact by Amiran Nir.

In January 1986, the President approved the operation to work with the Iranians for the release of hostages in return for military equipment. The CIA ^{was} ~~is~~ asked to provide logistical and operational support.

B. In early 1986, contacts with Gorbaniyar serving as a go-between to [redacted] continue.

In mid- February, the NSC delivers 1000 TOWs to Iran.

B. In March 1986, Gorbaniyar [redacted] meet with the NSC in Germany. The NSC are given a list of spare parts for HAWK missile batteries and radars requested by the Iranians. CIA then works with select number of DOD officials to obtain the spare parts. It is agreed that the spare parts plus more TOW missiles will be delivered to Iran at the successful conclusion of a meeting between NSC officials and Iranians in Tehran.

To provide the US with the money for the spare parts and TOW missiles, Gorbaniyar must again finance the deal. He raises 16 million dollars which is passed to the US, with the expectation that the Iranians will, in turn, pay him once the items have been delivered. Gorbaniyar again works with

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Khashoggi to raise the money from several Canadian, American, and Arab investors.

On 22 April 1986, a U.S. Customs Service "Sting" Operation in Switzerland under the State Department's "Operation Staunch" disrupts a large on-going Iranian arms procurement deal being run by Gorbanifar. This deal was unrelated to the NSC operation. Gorbanifar is arrested by the Swiss, but released after 24 hours. Gorbanifar loses the money he and Khashoggi put into that particular operation, funds probably raised from the investors for the NSC operation.

On 15 May 1986, Gorbanifar finally comes up with sufficient funds for the next step of the NSC operation and a meeting is arranged to take place in Tehran.

On 22 May 1986, HAWK missile spare parts are picked from Kelly AFB and flown to Israel and the US team departs for Europe.

On 23 May, a second aircraft picks up 508 TOW missiles and flies to Israel.

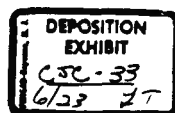
On 24 May the US team goes to Israel where Nir joins them for the trip to Tehran. The Team departs for Tehran. They bring along some of the Spare Parts to show the Iranians their good faith.

On 25 May, the US team arrives in Tehran and holds meetings with the Iranians. However, the meetings do not go well, probably because the Iranian factional consensus is falling apart. The second aircraft load of spare parts is recalled while on its way to Iran and returns to Israel. The US team departs after five days, having made no progress.

In June and July 1986, talks with Gorbanifar and [REDACTED] continue and it is decided that the Iranians must show their good faith by forcing the Hizballah to release another hostage. In July Gorbanifar goes to Lebanon and Syria in an effort to get Father Jenko released.

On 26 July 1986, Father Jenko is released.

On 3 August 1986, the remainder of the HAWK spare parts that have been collected are delivered to Iran. The spare parts are picked up at Kelly AFB and flown to Iran via Israel.

UNCLASSIFIED**THE PRESIDENTIAL FINDING**

Let me begin by stating the obvious. Iran is one of the most important states in the Middle East. Its strategic location and oil resources make it a country of critical significance to U.S. and western interests in the area.

It is also a longstanding Soviet target. Soviet interest is reflected in the fact that they have twice established short-lived independent communist republics in Northern Iran since World War I. Soviet interest in Iran has not waned and we know that they are working hard to extend their influence with the present regime and possible successors.

The U.S. has been trying to reestablish official contact with Iran and develop a working relationship ever since the Islamic revolution. We have tried to do so because Iran is, quite simply, a geopolitical force which neither we, nor the Soviets, can afford to ignore.

We also must not forget the hostages. The simple fact of the matter is that U.S. citizens are being held by terrorist groups over which Iran has some influence. We have an obligation to do what we can to save Iran ~~any~~ from terrorism and to get our fellow citizens back.

It was against that backdrop that the President signed a Finding on 17 January directing the CIA to provide operational and logistical support for a program aimed at (1) establishing a more moderate government in Iran, (2) obtaining intelligence to determine the current Iranian Government's intentions with respect to its neighbors and with respect to terrorist acts, and (3) furthering the release of American hostages held in Beirut and preventing further terrorist acts by these groups.

The Finding stated that the JSC will provide moderate elements within the Government of Iran with arms, equipment and related materiel in order to enhance the credibility of these elements in their efforts to achieve a more moderate government in Iran by demonstrating their ability to obtain resources to defend their country.

In the Finding, the President directed the CIA to refrain from reporting the Finding to the Congress as provided in Section 501 of the National Security Act of 1947, as amended, until otherwise directed.

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 by B. Reger, National Security Council

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At the time the Presidential Finding was signed, the CIA's Office of General Counsel advised me that the President clearly has the authority to withhold prior notice of operations from the Congress. Section 505 of the National Security Act expressly provides that notification of intelligence activities to the Congress shall be provided "to the extent consistent with all applicable authorities and duties, including those conferred by the Constitution."

The Act also states that the Intelligence Committees be given timely notice of activities, for which no prior notice was given. This was a clear recognition that extraordinary circumstances could lead the President to conclude that notice of an operation should be withheld, in whole or in part, until an appropriate time as determined by the President.

The history to the oversight act clearly recognizes the accommodation that was reached on this issue. The subsequent procedures agreed upon by the DCI and the SSCJ on reporting covert action operations provide that advance reporting of such operations would be subject to the exceptional circumstances contemplated in Section 501 of the National Security Act.

The President determined that the activities authorized by the Finding justified withholding prior notification due to the extreme sensitivity of the dialogue being established. In addition, had the fact of this program become known, the American hostages in Lebanon would be put at a greater risk.

That's the legal justification for not informing Congress. The reason why Congress was not informed was, quite simply, a very real concern for the lives of those carrying out the operation. That concern, particularly when you have people travelling to Iran, was not exaggerated.

Earlier experience in conducting secret talks with Iranian officials showed the risk involved should the fact of such discussions become public. In 1979, President Carter's National Security Advisor Zbigniew Brzezinski held such talks with then Iranian Prime Minister Bazargan. Following the public disclosure of those contacts, radical students took over the American Embassy in Tehran, taking the staff hostage, and the Bazargan Government fell.

Throughout the course of the activities undertaken by the CIA to fulfill the directives of this Finding, only a handful of officials were involved. Current procedures involving

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notification of the oversight committees would have required that two or three times as many individuals be informed than were aware of the activity within the CIA. This is the only finding since the signature of the 1980 oversight act that has not been briefed to the Committees. In fact, the only other finding that has not been briefed since the inception of the oversight process was the Iranian hostage rescue mission.

Now I would like to explain exactly what activities were undertaken by the CIA in carrying out the directives of this finding signed on 17 January 1986.

CHRONOLOGY

In late November 1985, the NSC asked CIA for the name of a discreet, reliable airline which could assist the Israelis in transporting a payload of Israeli Hawk missiles to Iran. The name of our proprietary airline was given to the NSC which, in turn, passed it to one of the intermediaries dealing with the Iranians.

That intermediary, who was unwitting of CIA's involvement with the airline, hired the airline to transport a Boeing 707 load of weapons from Tel Aviv to Tehran. The airline was paid the normal commercial rate which amounted to approximately \$127,700. The people in the proprietary did not know what was being shipped.

When senior CIA management learned that this had occurred, it was decided that a finding was necessary before the Agency could provide any future support of this type.

That was the only CIA support provided prior to the finding.

On 26 January, a CIA officer (Charlie Allen) provided limited, general information [redacted] [redacted]

information was provided to the Iranian intermediary (Ghorbanifar) for passage to Iranian officials.

On February 3-7, U.S. officials (NSC), a representative of the Israeli Prime Ministry (Amiram Nitz), and a senior-level Iranian official [redacted] [redacted]

Germany. At this meeting, the Iranians agreed that, if the U.S. would provide TOW missiles to Iran, the Iranians would [redacted] [redacted] The U.S. agreed to explore this possibility and, working with the Israelis,

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established the following mechanism for transfer of the weapons:

--The Iranian intermediary (Ghorbanifar) would deposit funds in a European account.

--The funds would then be transferred to a sterile U.S.-controlled account in an overseas bank.

--Using these funds, the CIA would work with the Army Logistics Command to obtain the material. This type of activity, conducted under the Economy Act, is the routine method for obtaining U.S. military materiel for CIA Covert Action Operations from DOD. None of the working level DOD personnel involved were aware of the eventual destination of the weapons.

--The materiel was then transported to Israel for future shipment to Iran.

Using the procedures stipulated above, \$1.7 million was deposited in the CIA account in Geneva on February 11, 1986 for the purchase of 1,000 TOW missiles and associated costs.

On 15 February, Office of Logistics personnel delivered the 1000 TOW missiles to Kelly Air Force Base. The missiles were then transported to Israel for onward shipment to Iran. CIA was not involved in the transportation of this shipment.

On February 19-21, U.S. and Iranian officials (NSC and CIA) met again in Germany to discuss problems in arranging a meeting among higher-level officials.

On 24 February, the same U.S. officials traveled to Germany where they met with the intermediary and an Iranian Government official. At that meeting, the Iranian official provided a list of varying quantities of approximately 240 different spare parts needed for the Hawk missile batteries provided by the USG to Iran during the Shah's reign. The Iranian official asked for USG assistance in obtaining these spare parts as additional proof that this channel had the approval of the highest authority in the USG.

On 25 February, the U.S. officials provided the Iranians with limited, vague information [REDACTED]

On March 7, U.S. (CIA and NSC) and Israeli representatives met with the Iranian intermediary in Paris to determine whether

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any further progress was possible in arranging for a high-level meeting with U.S. and Iranian officials. During these meetings, the intermediary emphasized the deteriorating economic situation in Iran and Iranian anxieties regarding increasing Iraqi military effectiveness.

Throughout March and April, the Office of Logistics worked with DoD to clarify the items on the Iranians' list of spare parts and identify which items were in DoD stocks. We were informed that the Iranians had agreed that high level Iranian officials would meet with a USG team that would come to Tehran with the spare parts.

The escalation of tensions with Libya, leading up to the April 14 strike, prevented further dialogue from taking place until the Iranians urged the intermediary (Ghorbanifar) to accelerate the effort in late April, 1986. At that point, the Iranian expatriate advised us that the leadership in Tehran was prepared to commence a secret dialogue with the United States along the lines of our established goals.

Based on assurances that we could at last meet face-to-face with top-level Iranian officials, on May 15, the President authorized a secret mission to Tehran by former National Security Advisor McFarlane, accompanied by a CIA annuitant, a CIA communicator, members of the NSC staff, and the Israeli and Iranian interlocutors.

On 16 May 1986, the Iranians provided \$6.5 million for Hawk spare parts and an additional 508 TOM missiles. The receipt of the Iranian funds set into motion arrangements for the planned visit to Iran as follows:

--The Office of Communications provided secure communication equipment and the services of a communications officer to travel into Iran with the U.S. team.

--The Office of Technical Services was tasked to provide ten [redacted] passports for use by the team and the air crew of the aircraft that would fly from Israel to Tehran. The Iranians insisted on the use of non-U.S. passports. [redacted] passports were chosen because the aircraft used for the journey carried [redacted] registration numbers.

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--The Office of logistics assembled the available Hawk missile spare parts at Kelly Air Force Base. The parts were then transported to Israel, but the CIA was not involved in their transfer.

--The Office of Logistics delivered 508 TOW missiles to Kelly Air Force Base for onward shipment to Israel. CIA was not involved in their shipment.

On 25 May the U.S. team traveled to Tehran via Israel. The CIA provided two members of the team--a communications officer and a Farsi speaking annuitant with considerable experience in Iranian affairs. The annuitant provided translation services and advice to the team. He continued to be involved in subsequent meetings with Iranian representatives.

The U.S. team brought several aircraft pallet loads of Hawk missile spare parts with them to Tehran at the time of the meeting. However, it was decided that the greater portion of the spare parts would stay in Israel for later delivery to Iran pending further progress in establishing the dialogue. We understand that those spare parts were ultimately delivered to Iran.

The U.S. team also provided the Iranians with [REDACTED]

On 19 September three Iranians travelled to the U.S. for detailed discussions with the U.S. team. These discussions reaffirmed the basic objectives of the U.S. in seeking a political dialogue with Tehran. We also provided [REDACTED] designed to discourage an Iranian offensive and contribute to an Iranian decision to negotiate an end to the war. [REDACTED]

Throughout August and September, numerous additional meetings were held in Europe between U.S. representatives and the new Iranian contacts in an effort to develop the dialogue authorized by the Presidential finding.

On 6 October, those Iranians traveled to Frankfurt for meetings with the U.S. team. [REDACTED]

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On 26 October, more meetings were held in Frankfurt with the same participants. [REDACTED]

During the October 26, 1986 meeting in Frankfurt, Germany, the U.S. side, as in the past, insisted that the release of the hostages was a pre-requisite to any progress. The Iranians urged that we take a more active role in support [REDACTED] and suggested again that, if we could provide additional TOW weapons to Iran, [REDACTED]

The Iranians also proffered, and the U.S. accepted, the offer of a Soviet T-72 tank [REDACTED] That tank should be in our hands shortly.

On 2 November, the Iranians provided \$2.037 million and the Office of Logistics procured 500 more TOW missiles from DoD.

Those missiles were delivered by the Office of Logistics to Kelly Air Force Base on 5 November. A USAF C-141 aircraft carried the missiles [REDACTED] where they were transhipped to a CIA air proprietary aircraft which carried the missiles to Israel.

On 9 November, the U.S. team held another meeting with one of the Iranian officials from the Iranian team.

This brings the record of CIA involvement in these activities authorized by the 17 January 1986 Presidential Finding up to date as of the present time. We should note that none of the weapons came from CIA stocks.

We have received no requests from the NSC to acquire any more materiel of any type for shipment to Iran under this program.

I would like to reiterate that the funds for the procurement of the materiel enumerated above, as well as for all associated costs, were provided by the Iranians themselves. Funding from Iran was transferred to CIA for deposit in a covert funding mechanism. This action provided secure means for control, payment, and accountability of all funding associated with this program. The funds provided by Iran, a total of \$12,037,000, remained in a special account in a Swiss bank, and costs were paid directly from the account.

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The only costs incurred by the CIA in this activity were expenses for the travel of CIA officers involved in the various meetings, the costs of hotel rooms [redacted] for the two October meetings held in Germany, and operational support [redacted] amounting to approximately \$48,000. The costs for this support have been charged against normal operational accounts. Since all travel by CIA officials is routinely charged to such accounts, to do otherwise in the case of the trips undertaken during this program would have compromised the security of the activities.

LEGALITY OF ARMS SHIPMENTS

Questions which have appeared in the media as to the legality of the arms shipments raise the question as to whether or not the CIA was responding to a legal order.

At the time the Presidential Finding was signed, applicable legal authorities were reviewed and it was determined that there is clear and ample authority for the President to approve transfers outside the context of the Foreign Assistance Act and Arms Export Control Act. Those laws were not intended and have not been applied by Congress to be the exclusive means for sale, loan or provision of U.S. military equipment to foreign governments.

CIA's legal authority to furnish U.S. military equipment to foreign governments on a covert basis is based on language contained in Section 102 (d) of the National Security Act of 1947, which provides that it shall be the duty of the CIA, under NSC direction, to perform services of common concern for the benefit of intelligence agencies and to perform "such other functions and duties relating to intelligence affecting the national security as the National Security Council may from time to time direct." In short, it is clear that legal authority exists for CIA to transfer U.S. military equipment abroad outside the foreign military sales and assistance statutory framework when the activity is in furtherance of a legitimate and authorized CIA mission: that is, a special activity or intelligence collection operation.

This fundamental and underlying legal conclusion has been arrived at by the CIA Office of General Counsel and has been confirmed by the Attorney General. A transfer is legal.

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therefore, if we can show that the transfer is in the furtherance of an approved and legitimate intelligence activity and, for covert action, that there is a signed Presidential Finding covering the activity as provided by the Hughes-Ryan Amendment.

The next question is how the CIA obtains the material it needs in order to meet those legitimate intelligence interests. CIA's legal authorities permit it to obtain military equipment if it is available on the open market. If that is not the case, or if the equipment cannot be provided as conveniently or cheaply by a commercial enterprise, CIA can utilize the Economy Act to obtain the necessary items from the Department of Defense. Of course, transfers of U.S. military equipment in general ought to be, and are in fact, made to foreign governments under the U.S. foreign assistance program. However, it is important to point out that any decision to have CIA supply U.S. military equipment inherently involves a determination that the foreign military assistance framework is inappropriate for that purpose. Obviously, the very purpose and nature of the operation for which CIA's extraordinary authorities have been utilized are incompatible with the concept underlying overt U.S. foreign aid programs.

Let me assure you that at the time the decision to go forward with the Presidential Finding for this sensitive operation was made, these legal authorities were reviewed in order to ensure that this Agency was in full compliance with the law.

CONCLUSION:

Let me make it perfectly clear that it was apparent to all that this initiative was a controversial one. Even those of us who supported going forward understood that it was a close call and a risky operation. There were no illusions.

Was it a reasonable call? Yes, I think it was. As the health of Khomeini has declined over the past year, we have seen an increase in factional infighting in Tehran. This infighting has been sharpened by severe economic problems, as well as the war with Iraq. There have been numerous arrests. This factional infighting has implications for both the United States and the Soviet Union. It was the Administration's

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judgement that any powerful Iranian faction seeking to reestablish ties with the West and willing to attempt to curtail Iranian support for terrorism was worth talking to.

It was in that context that the judgement was made that providing a small amount of defensive weapons would give this faction some leverage in the internal struggle by suggesting that there were advantages in contacts with the West.

As I stated earlier, Iran is not going to go away. Its geographic and strategic position guarantee that it will remain a geopolitical force which the U.S. will have to deal with. If we do not establish ties to the various Iranian factions now, we will be faced with the problem of doing so later. It is that simple.

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EXHIBIT
CJC-34Tom Green — 11/24/96
reps N. + Second.

F - Law re 3rd ps + 3rd countries was in to authorize private car in the operation... (i.e., as to those, it lifts the embargo). In implementing, N turned to a # of people, including Second, who was experienced in Middle East. They began to work the same channel opened by Isr (i.e., Ghorbanifar channel)

Second partner was Albert ^{Hachim} ~~Hachim~~ (Akin?) Akin had over yrs been contacted by the insider elements of Isr.

Early 1986 - Akin learned of Ghorbanifar contact + told N + Second that "is a crook" Akin said he had better contacts (could have been Jan).

Jan. - Frankfurt meeting - Akin served as inter'r - Isreal brought [redacted] Concluded that [redacted] was "good" + ∴ Akin started to work his contacts. Akin produced [redacted] of Ref [redacted] + [redacted] (singoni)

1280
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by B. Reger, National Security Council

Nr. + [redacted]
were there

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They knew that Isr. had sent arms through Norst.

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Atkin ~~the~~ ^{negotiating} ~~relationship~~ ^{with the} ~~Iranians~~ ^{Iranians}, in order to ~~get the~~ ^{get the} ~~relationship~~ ^{relationship} ~~to show them~~ ^{to show them} ~~the~~ ^{the} ~~files~~ ^{files}.

~~He~~ We said that the Iranians should make a contribution over purchase price ~~of~~ ^{of} goods for use of Contras or ~~of~~ ^{of} us ~~of~~ ^{of} (the proba-
ly ~~the~~ said U.S.G. was desirous

Felt: shipment of TOWs was priced on the basis that ~~it~~ ^{it} routed through Israel's into Atkin's financial network. He, in his private capacity, ~~use~~ ^{use} ~~it~~ ^{it} into other assets ~~of~~ ^{of} belonging to foreigners.

But for Atkin this ~~policy~~ ^{policy} could not have been effective.
Same thing happened again - May.

Green says none of this void law.

No U.S. ~~is~~ ^{is} involved here -- only Iranians making contribution.

They feel like they were doing Lord's work - worked like dogs -- gave thought to laws & believed they were not violating any laws.

If this blows up, Ir. will kill one.
more of the hatzys -- to say ~~the~~ ^{the} U.S. is
assholes

~~will~~ ^{will} also probably be killed

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Green doesn't think this vio.s the Boland Amendment
Shorbygar had a role in Feb. deal.

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EXHIBIT
CJC-35

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Associate
3057

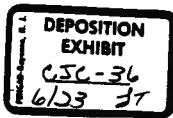
AECA may be ~~inapplicable~~ inapplicable if the Sept '85 + Oct '86 transfers from Is \rightarrow Iran were ~~effectively~~ ~~to~~ transfers from U.S. \rightarrow Iran, w/ Is as a conduit (i.e. TOWs are fungible; Is gives Iran 500 TOWs but we promise to replenish -- \therefore Israel is our creditor, but we are transferor & Iran is transferee).

[Then question becomes was CIA involved in these transfers. If so re Oct '86, that's OK but there was a written finding in effect, authorizing CIA to conduct the operation. If so, re Sept. '85, no written finding, so question becomes was there (can there be?) an oral finding. Does OK memo re destabilization have merit? If CIA not involved in Sept '85, then question is whether NSC (or whoever conducted the operation) has authy to do so. (operation may have been no more than saying do it to Is).]

If AECA applies to the items that Israel transferred to Iran, question is how did Is. get items -- direct sale from U.S. or through licensee intermediaries -- also did they get them on credit, thus invoking the Foreign Assist. Act's (1281) reporting requirements.

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by B. Roper, National Security Council



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- w/ per involvement

→ Poin should say - he has learned that
 some involved have provided ~~to~~ generated
 to Contras - doesn't know all details
 - but in light of Cong'l
 Pres. needs fresh start for policy team.
 [P. brief Congressional leaders first]

I would ∴ like to be relieved of my assignment

Declassified/Released on 10F4888
 under provisions of E.O. 12356
 Johnson, National Security Council

As public discussion proceeded

5202

Inquiry continue - as soon as all
 facts known will make disclosure to
 Cong. & American public.

uncovered info in course
 some funds ~~are~~ generated by these transactions were
 provided to the forces opposing the Sand. regime
 in N.C.
 provide full info - at earliest possible time.

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TRANSCRIPT HSC 27 /87
OF PROCEEDINGS

ORIGINAL

C O N F I D E N T I A L

UNITED STATES SENATE

SELECT COMMITTEE ON

SECRET MILITARY ASSISTANCE TO

IRAN AND THE NICARAGUAN OPPOSITION

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DEPOSITION OF JOSEPH COORS

C O N F I D E N T I A L

Washington, D. C. .

Wednesday, May 20, 1987

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 by D. Sirko, National Security Council

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UNITED STATES SENATE

SELECT COMMITTEE ON

SECRET MILITARY ASSISTANCE TO

IRAN AND THE NICARAGUAN OPPOSITION

DEPOSITION OF JOSEPH COORS

Washington, D. C.

Wednesday, May 20, 1987

Deposition of JOSEPH COORS, called for examination pursuant to agreement by counsel, at the offices of the Senate Select Committee, Suite 901, Hart Senate Office Building, at 10:25 a.m. before DAVID L. HOFFMAN, a Notary Public within and for the District of Columbia, when were present:

JAMES E. KAPLAN, ESQ.
Associate Counsel
United States Senate Select
Committee on Secret Military
Assistance to Iran and the
Nicaraguan Opposition

THOMAS FRYMAN, ESQ.
Staff Counsel
KENNETH R. BUCK, ESQ.
Assistant Minority Counsel
United States House of
Representatives Select
Committee to Investigate
Covert Arms Transactions
With Iran

-- continued --

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1 APPEARANCES (Continued):

2

RICHARD M. ROBERTS, ESQ.
Hamel & Park
888 Sixteenth Street, N.W.
Washington, D. C. 20006
On behalf of the Deponent.

3

4

5

ALSO PRESENT:

6

TINA WESTBY
Minority Staff
Senate Select Committee

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DAVbw

P R O C E E D I N G S

Whereupon,

JOSEPH COORS

was called as a witness and, having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. KAPLAN:

Q Mr. Coors, would you state your full name for the
record.

A Joseph Coors.

Q Your place of residence.

A Home residence is Golden, Colorado. [REDACTED]

Q Your place of employment.

A Adolph Coors Company, Golden, Colorado.

Q Could you describe your various positions with
Adolph Coors Company.

A Well, I've been there for over 40 years. I've
had many positions, both at the parent company and the
subsidiary. More recently, I was President of the Adolph
Coors. Now I have been for the last couple of years, Vice
Chairman.

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by D. Sisto, National Security Council

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DAVbw 1 Q What years did you serve as president of that
2 company?
3 A Up until May of '85.
4 Q When did you begin your tenure as president?
5 A Oh, golly. Six or seven years before that.
6 Q Was it 1977?
7 A It could have been.
8 Q When did you assume the position of Vice Chairman
9 of Adolph Coors Company?
10 A At our annual meeting in May of '85.
11 Q Did you also serve as Chief Operating Officer of
12 Adolph Coors Company?
13 A When I was president, I did.
14 Q What is the nature of the Adolph Coors Company's
15 business?
16 A Adolph Coors Company's business is mainly
17 involved in the manufacture, sale and distribution of beer;
18 however, we have a number of subsidiaries that are involved
19 in ancillary operations, the major one of which is our Coors
20 Porcelain Company, which is involved in industrial ceramics.
21 Q Were you served last week with a copy of a
22 subpoena for your deposition and requesting documents from

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DAVbw 1 the Senate Select Committee on Secret Military Assistance to
2 Iran and the Nicaraguan Opposition?

3 A Your question is, was I?

4 Q Were you served?

5 A I was served.

6 MR. KAPLAN: I will ask the reporter to mark as
7 Exhibit 1, a copy of that subpoena.

8 (Exhibit 1 identified.)

9 (Document handed to witness.)

10 BY MR. KAPLAN:

11 Q I will show that to you, Mr. Coors.

12 To the best of your recollection --

13 A Yes. This appears to be exactly what I was
14 served.

15 Q Did you cause a search of your files and other
16 records to be done, in order to produce the documents that
17 you produced to me today, pursuant to that subpoena?

18 A Yes. I asked my executive assistant, Tesa Smith,
19 to go through all of our files at the company to produce any
20 correspondence relating to these various individuals and
21 organizations. Then I went through my own personal
22 financial records to get copies of the checks that seemed to

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DAVbw 1 apply. Those are all personal records and have nothing to
2 do with the company.

3 Q Okay. Is it your position that all relevant
4 personal records have been produced today as part of the
5 package that you turned over to me earlier?

6 A To the best of my knowledge, everything that we
7 found or know that exists is available. Everything.

8 Q Thank you.

9 Was there a time when you developed an interest
10 in assisting the efforts of the contras in Nicaragua?

11 A Yes. I don't think there's any specific time.
12 It was an interest that developed after the election in
13 Nicaragua when Ortega was elected president. I think, I, as
14 well as the Administration and a lot of other people, had
15 hoped that a democracy was going to be set up there. It
16 soon appeared to us that they were going to restrict the
17 rights of their citizens. The right to free speech, the
18 right to a free press, the right to free religion and
19 eventually, evidently the right to free elections seemed to
20 be more and more oppressed and more and more enforcement, as
21 time went on.

22 As a result of that and my great belief in

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1 democracy and the freedoms of the individual, I became
2 concerned about the citizens of Nicaragua and became
3 interested in the attempts of the freedom fighters to fight
4 this kind of government.

5 I have long been known as a strong anti-communist
6 and my concern grew in Nicaragua, when it became apparent
7 that they were being supplied with large quantities of arms
8 from the Soviet Union and from Cuba, and that they were
9 evidently setting up another puppet communist government
10 very close to our homeland, and to me a very serious threat
11 to the United States of America.

12 Q When was the first time that you discussed your
13 interest in assisting the contras with any United States
14 government official?

15 A There was established, I think, maybe six or
16 seven years ago, an organization called the Council for
17 National Policy. This was established by a group of heads
18 of some of the conservative organizations, which I had been
19 involved in along with some good American businessmen, who
20 had the same general kinds of feelings that I had about this
21 situation. And this Council of National Policy was set up
22 as an organization without an agenda of its own but as a

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DAVbw 1 forum for like-thinking people from the government, from the
2 research and educational foundations and from the business
3 world, to get together to share and exchange ideas.

4 During the course of this -- and we had meetings
5 four or five times a year -- conferences three or four times
6 a year⁹ attended by anywhere from 100 to 300 or 400
7 individuals --

8 Q When do you recall the first discussions that you
9 had with U.S. government officials about your interest in
10 assisting the Nicaraguan contras?

11 A Let me continue a little bit. The executive
12 director of the Council for National Policy at that time was
13 Woody Jenkins, a state legislator from the State of
14 Louisiana, who resided in Baton Rouge. Baton Rouge was at
15 that time headquarters of the CNP. Woody became very much
16 interested in the plight of the Miskito Indians, who were
17 reported to have been driven, I think -- it is substantiated
18 they were driven from their homelands and from their towns
19 and cities and villages in Northeastern Nicaragua and
20 escaped, if you want to call it that, into Honduras. Woody
21 and his wife, Diane, set up an organization called Friends
22 of America, and I have included my check contributions to

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DAVbw

18 Among those people over the years the ones that I
19 can recollect most specifically are General Jack Singlaub,
20 who, incidentally, his home is in Colorado, and I have known
21 him ever since he came back from Korea. Colonel Oliver
22 North spoke to our group. That's where I first met North.

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DAVbw

1 Q When was that that you first met North?

2 A Oh, golly. You're testing my memory, which is
3 difficult. It would be probably at the first meeting of the
4 Council that he spoke which could have been perhaps late
5 '84. I can probably tie that down if I have to, but I don't
6 have -- I have no records.

7 Q Well, to the best of your recollection is fine.

8 A To the best of my recollection. The time spans
9 are more difficult to put your finger on as you get older.
10 But he spoke at one of the meetings Adolfo Calero spoke, and
11 I became acquainted with him. In subsequent meetings he was
12 there. North was there, of course. Simlaub. So I kept a
13 relationship with these gentlemen and was very much
14 interested in what they were doing, the cause and the
15 plight, and so on.

16 Q Did you ever did discuss the cause and the plight
17 of the contras with Attorney General Meese?

18 A Not to the best of my recollection.

19 Q What about with William Clark?

20 A Again, not to the best of my recollection,
21 although I had conversations with those gentlemen from time
22 to time, not long ones, but I have no recollection of having

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DAVbw

1 specifically talked with either of them about the freedom
2 fighter contra situation.

3 Q Did there come a time when you discussed your
4 interest in assisting the contras with the late William J.
5 Casey?

6 A Yes.

7 Q When was that?

8 A That would have had to have been within a few
9 weeks before I had transferred the funds to the Swiss bank
10 account.

11 Q Who initiated that meeting?

12 A I did. Can I fill you in on my thoughts there,
13 so maybe it will save you some questioning?

14 Q Sure. Okay.

15 A I have known Bill ~~Casey~~ quite well ever since the
16 beginning of the Reagan-Bush campaign in '79-'80. I had
17 tremendous respect for the gentleman and considered him a
18 friend. When I had heard and thought a lot about the
19 situation down there, it seems to me, in my evaluation that
20 Bill would be the person that I should talk to about it.

21 Q Why did Mr. Casey seem to be the person that you
22 should talk to about it?

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DAVbw

1 A Well, obviously, he was a close friend of the
2 president. The president had expressed his thoughts in
3 regard to helping the freedom fighters. Bill Casey, also,
4 in his position as had of CIA, was involved, obviously, in
5 international intelligence. The person, as far as I am
6 concerned was probably more knowledgeable than anyone else
7 about this situation. So I went to him and asked him,
8 "Bill, what can I do to help?"

9 Q Before we get onto that, what led you to the
10 judgment that Mr. Casey was most knowledgeable about the
11 situation in Nicaragua?

12 A I guess more than anything else, instinct. I
13 wasn't pointed in his direction by any person, not by
14 Singlaub, North or anybody else. I just felt that he would
15 be the person I would most feel comfortable in discussing my
16 thoughts.

17 Q Did you call Mr. Casey?

18 A Yes, and I had an appointment with him.

19 Q Did you tell him beforehand what you wanted him
20 to discuss?

21 A No.

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DAVbw

1 Q Where did that meeting take place?

2 A That meeting, to the best of my recollection,
3 took place in his Washington -- downtown Washington office.

4 Q Was that in the Old Executive Office Building?

5 A I can't tell you. He had an office in this area,
6 and it could have been.

7 Q Was anyone else present at that meeting?

8 A No.

9 Q How long did the meeting take?

10 A The meeting took -- it was late one afternoon,
11 and it took a relatively short time. I had pleasantries
12 with him, talking with him a bit about the situation and
13 told him of my desire to do something, and he said he could
14 not advise me what to do, except to go see Ollie North.

15 Q Was there any more substance to your discussion?

16 A Really not, no.

17 Q Did he express or indicate the knowledge that you
18 had assumed he might have about the Nicaraguan situation?19 A No. He was very discreet, actually, in his whole
20 conversation and did not lead me to believe that he ^[knew] anything
21 about it. He said the person to see is Ollie North.

22 Q Did he tell you why he thought you should see

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DAVbw

1 North?

2 A Yes, because he thought North was the person that
3 I should deal with in my thought of contributing to the
4 cause.

5 Q Did you express to Mr. Casey an interest in your
6 contributing money toward the cause?

7 A Yes.

8 Q So that was the substance of your side of the
9 discussion?

10 A Yes. That was the major substance.

11 Q When he referred to Mr. North, it is fair to say
12 that he knew that your interest was in providing some money
13 in support of the contra movement?

14 A Yes.

15 Q Did you ask him why North was the person you
16 should see?

17 A No. Having known North, I just accepted that as
18 a logical move. Actually, he had his office call North's
19 office and said "It's okay. You go down to see him." I saw
20 him just after meeting with Casey.

21 Q So you saw North the same day?

22 A The same day.

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DAVbw

1 Q And that meeting was set up by Mr. Casey's
2 office?

3 A All he did was call and find out whether he was
4 in.

5 Q Was Mr. North's office in the same building as
6 Mr. Casey's office?

7 A It was in the OEGB.

8 Q Just trying to get straight where Mr. Casey's
9 office was. I take it you didn't have to go outside to go
10 to Mr. North's office.

11 A To the best of my recollection, no, but I
12 honestly can't recollect where Mr. Casey was, except when I
13 asked to see him, he asked me, he said, "Do you want to come
14 on out to the CIA Headquarters?" And I said, "Well, if it
15 more convenient for you. It will be more convenient for me
16 to reach you in D.C." So I met him at his D.C. office. I
17 assumed he had one, and I can't place it.

18 Q And then you met with North.

19 A Yes.

20 Q Who else was present?

21 A Nobody.

22 Q What was the substance of your discussion with

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DAVbw

1 Colonel North?

2 A I repeated my request. I thought that I would
3 like to do something to help the freedom fighters and asked
4 his opinion as to what he thought would be the best thing
5 for me to do.

6 Q What did North say?

7 A He said that one of the greatest needs of those
8 people down there was a small airplane, and he specifically
9 cited a model, showed me a catalog. This is it. He said,
10 at the present time they only had, I think, one or possibly
11 two planes. They had an old DC3 that was battered and
12 having a hard time keeping in the air, and he said this
13 particular plane would be extremely valuable to them in
14 carrying medical supplies, food supplies, between the
15 various camps and bases [REDACTED] because it has a very
16 short take-off and landing capability. Of course, it is
17 just a tiny plane. It was not military. I specifically
18 said, I don't want to get involved in providing any military
19 help.

20 So my purpose was to do something I felt was
21 humanitarian, nonmilitary and still very helpful to the
22 cause.

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DAVbw

1 Q Did North tell you of any other needs of the
2 contras at that time?

3 A I don't remember, specifically, other things, but
4 I wouldn't be surprised if we discussed their great need for
5 lots of kinds of help, because we had discussed this
6 previously at CNP meetings.

7 Q What other kinds of help might that have been?

8 A Well, at that time, I think it was mainly food
9 and uniforms, medical supplies and things like that, which
10 were so necessary just to keep the group of freedom fighters
11 alive.

12 Q Did he ever mention military needs to you?

13 A He could have. I don't recollect, specifically.

14 Q Do you recollect, generally, whether he mentioned
15 the military needs of the contras?

16 A Now, I don't.

17 Q Did North quote you a price that it would take to
18 purchase a Maule plane?

19 A He did. He said, they could acquire -- it was
20 actually a specific Maule airplane that was available at the
21 time at the Maule plant, and this could be acquired with all
22 the spare parts, instrumentation, everything, that was

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DAVbw 1 necessary, for \$65,000.

2 Q Did he refer to any notebook or any other
3 documents in describing the needs for a Maule and other
4 needs or the price of the Maule?

5 A Only the Maule catalog.

6 No other list of any sort.

7 Q Did Colonel North then tell you how you could
8 make a payment for the purchase of a Maule?

9 A Yes, he did. He said that the mechanism that he
10 would like to use for this was to have me make a deposit in
11 a Swiss bank account.

12 Q What did he tell you about that Swiss bank
13 account?

14 A He didn't tell me much. He didn't have the
15 information with him at that time on that bank account, and
16 subsequently he gave me a piece of paper, which is part of
17 the documents, and he got into my hands this document that
18 listed the Swiss bank account number, and so forth and so
19 on.

20 Q When you say "subsequently," was that a face to
21 face meeting?

22 A No, it was not, if my recollection was correct

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1 and Bob Walker is going to have to verify this, I think that
2 piece of paper came through Bob, but in any case, it was not
3 transmitted by letter.

4 Q Why would the paper have come through Mr. Walker?

5 A Mr. Walker has been my assistant and chief
6 contact in the Washington area ever since he joined forces
7 with us in 1974.

8 Q Did Mr. Walker describe to you the process by
9 which that piece of paper was sent to him?

10 A He probably did, but I can't recollect it. I was
11 only interested in getting the account number and having it
12 in my hands. I have no recollection of the process.

13 Q Is there any question in your mind that the
14 account number and the account information came from Colonel
15 North?

16 A No, there's no question in my mind.

17 Q Did you ever ask or did North tell you or Mr.
18 Walker what Lake Resources, Inc. was?

19 A No. And surprisingly enough -- I imagine you
20 will wonder about this -- I was not conscious until after my
21 questioning by the FBI people that the name "Lake Resources"
22 was even on that document. I didn't inspect it that

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DAVbw 1 thoroughly. I was not familiar with Lake Resources at the
2 time. I didn't know what it was, and it just passed through
3 as something that didn't even click with me in my mind.

4 Q Weren't you interested in what account or to what
5 entity payment was going to be made?

6 A I was only interested in the fact that this
7 \$65,000 would be used for the purpose for which it was
8 intended, and I had complete confidence in North that that
9 was the case.

10 Q What was it about North that gave you complete
11 confidence that the money would be used for which it was
12 intended?

13 A He's the kind of person that I could relate with
14 and have a feeling of complete respect for. In my mind,
15 he's a tremendously patriotic American, who is working with
16 the president to do those sorts of things that he felt the
17 Administration wanted to have done. And I don't know, it is
18 just one of those things. With some people, that you
19 establish that complete confidence and respect for right
20 away, and he was one that I did over a period of over a year
21 or so. I don't know. It wasn't immediate.

22 Q Going back one step, why would Colonel North have

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DAVbw 1 given the information to Mr. Walker rather than provide it
2 directly to you?

3 A Well, because Mr. Walker was in Washington, and
4 it was a lot easier to do that.

5 Q Did you give Colonel North Mr. Walker's name?

6 A Yes.

7 Q You did. Did Colonel North know Mr. Walker before
8 that time?

9 A I believe he did; yes.

10 Q In what context did Colonel North or would
11 Colonel North have met Mr. Walker prior to that time?

12 A I really can't answer. I'm not sure he even had
13 met him before that. He'll have to answer that for you. I
14 asked him to contact, and this is my recollection. I don't
15 think I could have gotten that piece of paper otherwise. I
16 asked Bob -- Mr. Walker -- to get in touch with North and
17 get the Swiss bank account number for me.

18 Q Was North expecting a call from Mr. Walker to
19 get that information?

20 A I'm sure he was; yes.

21 Q How soon after your meeting with North did you
22 receive the information about the Swiss bank account?

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DAVbw 1 A Probably a couple of weeks, within a few weeks,
2 certainly.

3 Q Okay. Did you ask North for any assurance that
4 the money would be spent for a Maule airplane?

5 A Yes. I asked him whether it would be. He
6 assured me it would be. There was never anything in
7 writing.

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DAV/bc

1 Q Yes.

2 A I was in contact with him later. He showed me a
3 picture of the airplane down there and assured me that my
4 funds had been used to buy it. And he was very pleased with
5 that situation.

6 Q Let's back up for a step. Did you in fact make a
7 payment to the Lake Resources account in Switzerland?

8 A I had my bank, personal bank, in Denver, the
9 Colorado National Bank of Denver, I contacted the president
10 of that bank, Peter Grant, whose name is on the
11 correspondence, and asked him to make that transfer.

12 Q How much money did you transfer to the Lake
13 Resources account?

14 A \$65,000, in one payment.

15 MR. KAPLAN: I'm going to ask the reporter to
16 mark as Exhibit No. 2 a copy of what purports to be a letter
17 from you to Mr. Grant at the Colorado National Bank, dated
18 August 20, 1985.

19 (Exhibit 2 identified.)

20 BY MR. KAPLAN:

21 Q Does that letter reflect the transaction to which
22 you've just testified?

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DAV/bc 1 A It does indeed.

2 Q Is it your testimony that you never asked anyone

3 what Lake Resources was?

4 A That is correct.

5 Q Before or after the fact?

6 A Before or after. As I say, it didn't even

7 register to me, the Lake Resources name. My only interest

8 was to transfer the funds to be used to buy that Maule

9 plane.

10 Q Did you ever ask or were you told who controlled

11 the Lake Resources account?

12 A No. I didn't know that until this thing all blew

13 up.

14 Q Can you describe the circumstances surrounding

15 your discussion with Colonel North in which he verified that

16 your payment was used for the purposes of purchasing a Maule

17 plane for the contras?

18 A Yes. This just occurred last fall. His office

19 in the OEOB. I visited with him and asked him about the

20 transaction. As I said, he showed me a picture of a plane

21 and said, yes, it had been bought with my funds, they were

22 very happy with it and it was serving its purpose.

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DAV/bc 1 Q So this would have been a year after the payment
2 was made?

3 A Yes.

4 Q Did you ever have any discussions with Colonel
5 North or anyone else to attempt to verify that the payment
6 had been used to purchase a Maule plane?

7 A Not to the best of my recollection.

8 Q Had you spoken with Colonel North between late
9 August 1985 and your meeting with him this past fall?

10 A Yes, I imagine I had because I think he was at
11 one of those CNP meetings. I didn't visit him in his office
12 between that time.

13 Q Did you speak with him about this?

14 A If I had seen him, and I imagine I did at one of
15 these meetings, we would have discussed it. He would have
16 assured me that the payment had been used for that purpose.

17 Q Is it possible that he did assure you that the
18 payment had been used for that purpose at some time prior to
19 this past fall?

20 A Yes, it is very possible.

21 Q Did you have any discussions with Mr. Casey after
22 your meeting with North? Or after having made the payment?

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DAV/bc

1 A I had no discussions with Mr. Casey on that
2 subject. He expressed to me, when I met him before my
3 meeting with North, that he did not want to get involved and
4 was not interested in what I was going to do.

5 Q And it was never raised with him after that time.
6 Was it ever raised with any other United States government
7 official?

8 A None. Nobody in the Adolf Coors company
9 organization in Golden knew anything about this. My
10 secretary, who typed this letter, knew of my request for the
11 transfer. She did not know what the purpose was. None of
12 my family knew. My wife, Holly, who is on the joint bank
13 account, didn't know of the transfer at that time.

14 Q Was there a reason why you did not disclose the
15 transfer to any other person or people?

16 A I tend to be a private person. This was just
17 something that I wanted to do as a person. I didn't think
18 it was anybody else's business.

19 Q Okay. Did you ever discuss with the President
20 himself your efforts in assisting the contras?

21 A I did not.

22 Q I may be repeating myself. Did you ever discuss

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DAV/bc

1 this payment with anyone else in the United States
2 government?

3 A I did not, although I knew McFarlane and I knew
4 Poindexter, Don Regan and others. Ed Meese. I never
5 discussed that with any of them.

6 Q What was the purpose of your meeting with Colonel
7 North this past fall?

8 A I guess just to say hello and find out how things
9 were going; just to touch base. Nothing else specific
10 except --

11 Q Were you ever asked to give more money to aid the
12 contras?

13 A I was never solicited directly by North or anyone
14 else in the government. I was asked by Jack Singlaub to
15 help out in sending some money down to his organization. I
16 never knew exactly what the end point of that was. They at
17 one point expressed the fact that they were very low on
18 funds and needed funds to continue their operational
19 expenses.

20 I did know that Jack Singlaub was involved in
21 activities with the contras. And so I can't sit here and
22 say I didn't know that possibly those funds that are shown

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AV/bc 1 on those checks might not have gone there.

2 Q I've asked you this before off the record. I'll
3 ask it again. Do you recall a joint meeting that you might
4 have had with Mr. Casey and Colonel North on June 18, 1985?

5 A No. I never had a joint meeting with those two
6 gentlemen. I had a meeting -- it might have been that
7 day -- very likely was -- with Mr. Casey, and then
8 subsequently, a few minutes later, with Colonel North. But
9 not the two together.

10 Q So that it might have been on that date?

11 A Very likely could have been because that would be
12 a time that would fit in to the time frame.

13 MR. KAPLAN: I'm just going to ask the reporter
14 to mark as Exhibit No. 3 what I can represent to you is a
15 page that has been prepared I believe by the Central
16 Intelligence Agency of Mr. Casey's appointments in 1985.
17 And this is simply an attempt to refresh your recollection.

18 Or to have you reconfirm that no such meeting
19 ever occurred.

20 (Exhibit 3 identified.)

21 (Handing document to witness.)

22 BY MR. KAPLAN:

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AV/bc

1 Q If you'll take a look at that page, at the top,
2 as I said, I represented to you that this is a page prepared
3 by the CIA and it relates to meetings that Mr. Casey had
4 with particular individuals.

5 You'll notice at the top it says "Oliver North
6 continued", because this represents meetings that Mr. Casey
7 had with Colonel North.

8 Toward the bottom, about eight or 10 entries up
9 from the bottom-most entry, there's an indication of a
10 June 13, 1985 with Joseph Coors.

11 Does that in any way refresh your recollection
12 about a joint meeting?

13 A It doesn't change whatsoever my recollection of
14 the happenings of that late afternoon that I've already
15 recited to you.

16 Q Okay. If I were to show you a copy of an entry
17 from Colonel North's National Security Council appointment
18 book that reflected a joint meeting with, quote,
19 "Casey/Coors", that wouldn't do anything for you?

20 A No, it would not. I'm sorry. I have no
21 recollection of a joint meeting with those two gentlemen.

22 MR. ROBERTS: Pardon me. Will that be also an

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31

AV/bc 1 exhibit?

2 MR. KAPLAN: I'm glad to make it an exhibit. I'm
3 going to have the reporter mark as Exhibit No. 4 a page
4 which I will represent has been taken from Colonel North's
5 appointment book, kept at the National Security Council, I
6 believe by his secretary.

7 (Exhibit 4 identified.)

8 (Handing document to witness.)

9 BY MR. KAPLAN:

10 Q I show this exhibit to Mr. Coors.

11 A It's interesting.

12 Q On the bottom of the entries on Tuesday, June
13 18th, Mr. Coors, you'll notice on Exhibit No. 4 there is a
14 notation of a "Casey/Coors meeting at 6:30".

15 A I've seen that. It sort of confirms the Casey
16 thing.

17 Q Does that do anything to refresh your
18 recollection as to a joint meeting?

19 A I believe that Colonel North would substantiate
20 my story on this, how these; the time-scale would indicate
21 that it was about the time that I did visit with the two of
22 them. But not together.

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AV/bc

1 Whether this might refer to the fact that I met
2 with Mr. Casey and he referred me to North or whatever, a
3 joint meeting, to the best of my recollection and knowledge,
4 it never occurred.

5 Q Do you recall the meeting with Colonel North
6 having taken place as late as 6:30 in the evening?

7 A Yes. As I said, it was toward the end of the
8 day. I'd been here for I think the annual meeting of the
9 Civilian Aides to the Secretary of the Army. It was after
10 that that I visited these gentlemen.

11 Q I'm sorry. I missed that. For what purpose were
12 you in Washington?

13 A Every year. I had been appointed by Secretary
14 Marsh as his civilian aide. At that time, I was Civilian
15 Aide for the State of Colorado. Today, I'm his Civilian
16 Aide for the whole 6th Army area. And we annually have
17 meetings in June with all of the Civilian Aides coming in to
18 Washington.

19 Q When did you set up the meeting with Mr. Casey
20 that took place probably in late June of 1985?

21 A I suppose I would have done it the previous week,
22 knowing that I was going to be in town.

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1 Q Okay.

3 Q I'm backtracking a bit. When Mr. Casey's office
4 arranged for you to meet with Colonel North, did you
5 overhear the conversation arranging that meeting?

10 Q Did Casey speak with North himself?

12 Q Did you have any impression as to whether Casey
13 spoke with North in between the time that the meeting was
14 arranged and you arrived in Colonel North's office?

16 Q Did Colonel North know when you arrived in his
17 office for what purpose you were coming?

19 Q How would he have known?

20 A Well, he probably would have known because I
21 undoubtedly had talked to him on previous occasions about my
22 desire to do something.

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34

AV/bc

1 Q Did he make any reference to any conversation
2 that he had had with Mr. Casey?

3 A No, he did not.

4 Q After you made your payment to the Lake Resources
5 account, how did North learn of that payment?

6 A I'm not sure. I could very likely have conveyed
7 that to him by telephone.

8 Q Is it possible that he found out through means
9 other than a conversation with you?

10 A Sure. He probably was in close enough touch with
11 those people when he'd asked me -- well, he hadn't asked me
12 to make the payment, but when he knew I was intending to
13 make it, it would be logical for him to follow.

14 Q You've mentioned contributions to General Jack
15 Singlaub's organization and to Friends of America.

16 Have you had occasion to make any other
17 contributions? Assistance payments or contributions?

18 A As the cancelled checks show, I have made
19 contributions to Andy Messing's organization. Andy's been a
20 friend over the years.

21 Q Any others?

22 A Not that I know of.

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AV/bc 1 Q Do you know Carl Spitz Channell?

2 A I don't know him. Never met him.

3 Q Daniel Conrad?

4 A No.

5 Q Richard Miller?

6 A No. Well, wait a minute. Is Richard Miller the

7 one that was associated with Dave Fisher?

8 Q That's correct.

9 A They were in an organization together after Dave

10 left.

11 Q That's right.

12 A I have met Mr. Miller. They -- Dave Fisher,

13 Miller and another one of their associates at that time were

14 in my office in Golden talking about how they could help

15 with their services, to help the Adolph Coors Company,

16 strictly on trying to solicit business for Adolph Coors

17 Company.

18 Q Would the other associate have been Frank Gomez?

19 A Yes.

20 Q What resulted from that meeting, if anything?

21 A Really, nothing. We didn't feel that they could

22 provide a service for our company that we wanted at that

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36

AV/bc

1 time.

2 Q When did that meeting occur, approximately?

3 A Probably, a year ago.

4 Q Have you ever met with or seen Mr. Miller or Mr.
5 Gomez on any other occasion?

6 A I have not, to the best of my knowledge.

7 Q Could you describe the nature of your
8 relationship with Mr. Fisher?9 A Gosh, I got to know Dave as the top aide to the
10 President. He was almost always in presence on those
11 various occasions when I was involved with the President in
12 any way. I just got to know him. He was friendly. He
13 always treated me very well and worked with me as far as
14 being able to see the President or work out schedules and
15 things of that nature.16 Q Did you ever discuss with Mr. Fisher your
17 interest in aiding the contras?

18 A Never.

19 Q Are you a member of the board of directors of the
20 Heritage Foundation?

21 A I am.

22 Q Are you aware of the Heritage Foundation

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37

4V/bc 1 contribution that was made to an organization called the
2 Institute for North-South Issues?

3 A I'm not specifically familiar with that.

4 Q Would you know about any Heritage Foundation
5 payment that was made for the purpose of assisting the
6 contras?

7 A No, I am not familiar with it. I'd be rather
8 surprised had they done that, in a way. Nothing came up at
9 our board meetings of that nature.

10 Q Do you know Mr. Secord?

11 A I did not and do not.

12 Q Have you ever spoken with Mr. Secord on the
13 telephone?

14 A No.

15 Q Have you ever spoken with a Mr. Copp on the
16 telephone?

17 A No.

18 Q Do you know Albert Hakim?

19 A No.

20 Q You've never spoken with Mr. Hakim on the
21 telephone? Do you know a Willard Zucker?

22 A No. I meet dozens of people casually, so I can't

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38

AV/bc 1 say that I've never met them or shaken their hands, but I've
2 never dealt with him in any way, never had any conversation
3 specifically with them.

4 Q What about a Mr. Jacob Steeger?

5 A No.

6 Q I'm not coming out of left field with those
7 individuals.

8 A I know. They're involved.

9 Q I'm sure you know from the media reports they've
10 been involved with the Lake Resources enterprise.

11 When was the last time that you either met or
12 spoke with Colonel North?

13 A Oh, probably in February.

14 Q What was the substance of that discussion? Was
15 that a discussion or was it a meeting?

16 A No, it was a telephone conversation.

17 Q Who initiated that conversation?

18 A I did.

19 Q What was the purpose of it?

20 A I just wanted to tell him how supportive I was of
21 him and sorry that he was no longer with the government. It
22 was strictly a friendly, personal conversation of that

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39

AV/bc

1 nature.

2 Q Have you spoken with North at any other time
3 between the time of his resignation --

4 A No, just that one time.

5 Q And that time in February, have you ever met with
6 or spoken to ~~Brandon~~^{Brandon} Sullivan of Williams and Connelly, who
7 represent Colonel North?

8 A No, I have not. The name Sullivan rings a bell
9 because -- I believe it was in his office. The name,
10 Sullivan, rings a bell because I was referred to his office
11 to get in touch with North. But I didn't know his
12 relationship with him.

13 Q Who referred you to his office to get in touch
14 with North?

15 A I don't know.

16 Q Have you made a contribution towards North's
17 legal defenses?

18 A I have not.

19 Q Legal defense expenses. When you called Mr.
20 Sullivan's office to try to get in touch, or in your attempt
21 to reach Mr. North, did they give you a phone number?

22 A My secretary did this. And what I believe

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40

AV/bc

1 happened is that she was transferred to another extension in
2 the same office.

3 Q Was North reachable at that extension of the
4 other office?

5 A Yes. That's where I did reach him and talk to
6 him.

7 MR. KAPLAN: I have no further questions. I
8 appreciate your cooperation in showing up here.

9 E X A M I N A T I O N

10 BY MR. FRYMAN:

11 Q Mr. Coors, this is a Joint Senate and House
12 deposition. Before we began today, I served you with a
13 House subpoena which was slightly different in terms of the
14 documents that it requested than the Senate subpoena that
15 you'd received earlier.

16 Before we begin, I spoke with your counsel, Mr.
17 Roberts, and I wanted to confirm that we have agreed that
18 you will review that subpoena and, if there are any
19 additional materials that are called for, Mr. Roberts will
20 be in touch with me later this week.

21 MR. ROBERTS: Correct.

22 BY MR. SCHWARTZ:

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41

AV/bc 1 Q You have that? I don't have a copy of it. So
2 I'll have to get that from you. I'll get a copy, or
3 whatever.

4 MR. FRYMAN: I also just want to note for the
5 record that prior to the deposition, I gave to your counsel
6 a copy of the House Committee Rules and also a Resolution
7 establishing the House Select Committee.

8 BY MR. FRYMAN:

9 Q Going back to your meeting with Mr. North, when
10 you asked if you could make a contribution and I believe you
11 said you specified that you wanted to make a contribution
12 for nonmilitary purposes, and he indicated you could
13 contribute \$65,000 to purchase a Maule plane.

14 A Correct.

15 Q Did he give you any assurances that this plane
16 would not be used to transport military equipment?

17 A No, I don't believe he did. If you've ever seen
18 a smaller Piper Cub or been in one, a one-pilot type of
19 thing, it's such a tiny plane that it just didn't make
20 sense. Obviously, it, first of all, was unarmed. The plane
21 was unarmed as purchased; it had no guns or anything there.

22 Any plane whose carrying capacity is only several

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42

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1 hundred pounds, I believe, so any plane that could carry a
2 certain amount of arms, it would be a very small amount.

3 Q He told you specifically that the plane was to be
4 used to carry food?

5 A Well, yes, food, medical supplies and other
6 supplies.

7 Q What types of other supplies?

8 A I didn't go into that.

9 Q But he did not in response to your statement that
10 you did not want to make any contribution for any military
11 assistance, he did not give you any assurance that the plane
12 would not be used for that purpose?

13 A No, I don't believe he did. Well, yes. I think
14 he did say to me, "Yes, Joe, we will use this for
15 humanitarian, nonmilitary purposes." That's sort of vague.
16 It's a grey area. Let's put it that way.

17 And I assumed that he would live up to his
18 general commitment to me. On the specifics, I can't say
19 that we got into in any detail.

20 Q This certainly is not a document that it wouldn't
21 be used or anything of that nature, a transfer for \$65,000
22 to the Swiss bank account on or about August 20, 1985, as

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43

AV/bc 1 reflected in Coors Exhibit 2. Is that correct?

2 A That's correct.

3 Q How far in advance of the date of that transfer
4 do you recall your meeting first with Mr. Casey and, second,
5 with Mr. North -- Colonel North?

6 A My recollection was renewed by these documents.
7 It looks like it was about June 18th.

8 Q Apart from those documents, is it your
9 recollection now that there was a two-month delay between
10 your meeting asking about making this contribution?

11 A No. I'm a little surprised that it was that
12 long. And I don't know why it would have been that long
13 except for one fact. The majority of my income comes from
14 dividends from the Adolph Coors Company trusts.

15 There are a number of trusts -- my mother's, my
16 father's, my uncles, my own trust. And the dividend payable
17 date for those is August 15th.

18 So it would be logical that I would wait until
19 after that dividend declaration before I would transfer the
20 funds, because I would never have had enough in the bank.

21

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44

AVbur 1 Q Are the dividends paid annually?

2 A Semi-annually, August 15th and February 15th.

3 So you can see that that timeframe was toward the

4 end of one dividend payment and toward the beginning -- or

5 toward the end of the other.

6 That just occurred to me right now, but I have an

7 idea that that was an influencing factor.

8 Q Approximately, what percent of your total

9 expenditures over a six-month period does \$65,000 represent?

10 MR. ROBERTS: Expenditures or income?

11 BY MR. FRYMAN:

12 Q Expenditures.

13 A For what? For all purposes?

14 Q For all purposes.

15 A Oh, golly. Less than 10 percent.

16 Q And it is your testimony that you believe you may

17 not have had \$65,000 available to purchase this plane until

18 you received the dividend distribution on August 15th, 1985?

19 A That is correct.

20 You see, for instance, on June 15th I made a

21 sizable estimated tax payment, which I do quarterly. That

22 would have drained that account.

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AVbur 1 I can get out the records of the bank balance if
2 it is of any importance. It didn't occur to me to be
3 concerned about that.

4 Q Now, you have testified that you spoke to Colonel
5 North about the \$65,000 contribution in the fall of 1986?

6 A Yes.

7 Q Which was approximately a year after you made the
8 transfer in August of 1985.

9 A Say 14 months, 13, 14 months.

10 Q Why did you wait 12 to 14 months to ask him about
11 this?

12 A I had no reason to ask him before. I felt
13 completely confident that he had done with my funds what I
14 had asked him to.

15 I would imagine, also, that I had talked to him
16 in the mean time, that came up, I think, at one of our
17 CNP meetings just off the cuff.

18 There was no question in my mind that those
19 funds had been spent that way. Now, how I got that, whether
20 it was contact before the meeting last fall or what, I don't
21 know.

22 Q What was the reason for the meeting in the fall

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46

AVbur 1 of 1986?

2 A Really just to say hello, to renew
3 acquaintanceship. This meeting actually took place in Ken
4 de Graffenreid's office.

5 Q Who is Mr. de Graffenreid, for the record?

6 A He is a member of the National Security Council,
7 an employee at that time of the National Security Council.
8 I believe now he is over in the Pentagon.

9 Q Why were you meeting with him?

10 A Ken has been a longtime friend of Bob Walker's,
11 of long standing, and also was working -- I know had been
12 working to a certain extent with North. Bob and I met in
13 Ken's office with North. He showed me at that time pictures
14 of the plane -- a picture. I think there was only one -- of
15 the Maule.

16 Q Was there any particular purpose for your meeting
17 in the fall of 1986 with Mr. Graffenreid?

18 A No. Just to say hello and to just renew
19 acquaintanceship.

20 Q Did you initiate that meeting or did Mr. de
21 Graffenreid?

22 A We did. By "we," I say Bob and I.

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47

AVbur 1 Q And you initiated it just to say hello?

2 A Yes. I do that with a good number of officials
3 in the federal government. I like to keep up my
4 acquaintanceship with a pretty broad base of these kinds of
5 people. They are of the general persuasion that I am in
6 regard to the Ronald Reagan agenda, and it is just important
7 to me to keep friendship with those people.

8 Q So am I correct you had a meeting scheduled in
9 advance with Mr. Graffenreid?

10 A That is correct.

11 Q Was the meeting with Colonel North scheduled in
12 advance, or did that just grow out of your meeting with Mr.
13 de Graffenreid?

14 A I think it just grew out of the meeting with de
15 Graffenreid.

16 Q How long was that meeting with Colonel North?

17 A About half an hour.

18 Q What subjects were discussed?

19 A Oh, gee, mostly just generalities in regard to --
20 oh, I don't know. I really can't tell you except for our
21 discussion of the -- with North I am sure we discussed what
22 the freedom fighters were doing, what they were

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48

Wbur

1 accomplishing, and he had some pictures that had been taken

2 [REDACTED]

3 Q Did he show you slides?

4 A No. These were -- I guess they were Polaroids,
5 something of that nature.

6 Q You say this meeting was in the fall of 1986.

7 Can you specify the month?

8 A September ~~or~~ October. It was before the so-
9 called blowup.

10 Q Was it before the shootdown of the plane in
11 Nicaragua?

12 A Yes, I am pretty sure it was. I don't know when
13 that was. When was the date of that shootdown? I can't
14 relate the two.

15 But that had nothing to do with the meeting. We
16 didn't discuss the shootdown of the plane.

17 Q During this half hour meeting, you asked what had
18 happened to your \$65,000 in substance?

19 A I knew what had happened to it.

20 Q How did you know?

21 A As I say, I felt sure because of my previous
22 contacts with North at the CNP meetings.

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49

AVbur 1 Q Which had occurred between August of 1985 --

2 A Yes, between August and this time.

3 I had no question what had happened to the
4 \$65,000, but it was a good assurance to me to see a picture
5 of the plane down in that area and to hear a little bit
6 about what it was being used for.

7 Q Who raised the subject at this meeting? Did you
8 raise it or did Colonel North?

9 A I am sure I raised it.

10 Q And you raised it in what manner? Did you ask a
11 question or what?

12 A As I said earlier, we had a general discussion
13 about the freedom fighters' activities, the progress. I
14 guess we discussed how important it was, as far as we were
15 concerned, that the Congress had appropriated the funds. I
16 think at that time there was some question about whether
17 some of the funds were going to be withheld, but the fact
18 that Congress had finally approved --

19 Q How did the discussion go from your general
20 subjects to your \$65,000 contribution?

21 A You are taxing my memory. Wouldn't it be a
22 logical transition?

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50

AVbur 1 I think it would be, that we are talking about
2 the freedom fighters, Nicaragua [REDACTED] He volunteered
3 to show me the picture of the plane.

4 Q Is that your recollection, that he raised the
5 subject and he said, oh, by the way, I have a picture of the
6 plane that you purchased?

7 A I don't know whether he raised the subject or not
8 because I think we were discussing about the subject. But
9 he is the one that volunteered. Yes, here is a picture of
10 the plane.

11 Q And you understood that the picture was of the
12 specific plane that you had purchased?

13 A That is correct.

14 Q Not just a type of plane, but the specific plane?

15 A No, this was a specific plane down, obviously, [REDACTED]

16 [REDACTED] It wasn't on a fancy airstrip. It
17 wasn't a picture of a plane in a factory or anything of that
18 nature.

19 Q Mr. Coors, was the request from Colonel North for
20 \$65,000 for the plane in the summer of 1985 the only request
21 to you from anyone in the Administration for funds for the
22 resistance in Nicaragua?

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51

Wbur

1 A First of all, let me repeat that this was not a
2 solicitation of Colonel North. I want to make that clear.
3 I agreed to the payment as a result of my request to him of
4 what I could do.

5 Q Putting aside that one instance, however you want
6 to characterize it, was there any other request or
7 discussion with you of any sort by anyone within the
8 Administration of a further financial contribution you can
9 make to the Nicaraguan resistance?

10 A None that I recollect. I felt I had done my
11 share of help, particularly after the approval of the \$100
12 million government grant. I didn't think private requests
13 or contributions were needed after that.

14 Q Were you aware that other persons associated with
15 the organization that you have described, the Council for
16 National Policy, [REDACTED] contributed multi-million dollar
17 amounts to assist the contras?

18 A I was aware that -- what is the gal that is going
19 to meet with us tomorrow? Ellen Garwood. I know Ellen
20 Garwood, and I heard her at one of these meetings say -- I
21 think she said she had contributed a helicopter to the
22 freedom fighters.

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52

AVbur

1 So I did know of her involvement. I don't know
2 how she contributed at that time.

3 Q Did it ever seem to you that, given your concern
4 for the contras, your contribution was small in comparison
5 to what others were doing?

6 A I thought it was relatively substantial.

7 Q Going back, I just want to get an overview of
8 your contacts with Colonel North.

9 The first you met him, you believe, was at a
10 Council for National Policy meeting?

11 A Yes. That is as far as I can recollect.

12 Q And that I believe you thought might have
13 occurred in 1984?

14 A Yes.

15 Q You have described a meeting with him in his
16 office in the fall of 1986.

17 Was that the last time you met face to face with
18 him?

19 A That is correct.

20 Q Now, between the first meeting in 1984 and the
21 last meeting in the fall of 1986, how many times do you
22 recall that you met with Colonel North face to face, either

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53

AVbur 1 individually or in a larger group?

2 A I don't recollect any specific times.

3 Q You recollect one in the summer of 1985?

4 A Yes, sure.

5 Q That you testified about?

6 A Yes. But Colonel North generally attended the

7 CNP meetings. I don't think he attended every one, but when

8 he did, I am sure I would have visited with him, and these

9 meetings took place three or four times a year.

10 Q How many times have you spoken face to face with

11 Colonel North in the White House complex? And by that, I

12 mean the White House and the related buildings, including

13 the Old Executive Office Building.

14 A The only time that I recollect having met him was

15 in the OEGB, and the only two occasions that I can recollect

16 offhand are the time when I asked him what I could do and

17 then this one last fall.

18 Q And any other meetings you would have had with

19 him would have been at the Council for National Policy

20 meetings?

21 A Yes.

22 (Pause.)

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54

AVbur

1 MR. FRYMAN: Could we go off the record a minute?

2 (Discussion off the record.)

3 MR. FRYMAN: Back on the record.

4 I am going to ask the reporter to mark as Coors

5 Deposition Exhibit 5 for identification a document which has

6 been produced by Mr. Coors identifying a bank account at the

7 Credit Suisse Bank in Switzerland.

8 (Exhibit 5 identified.)

9 (Handing document to witness.)

10 BY MR. FRYMAN:

11 Q Mr. Coors, I show you Coors Deposition Exhibit 5

12 for identification. I ask you if you recognize that

13 document.

14 A I do recognize it, yes.

15 Q What is it?

16 A It is an account number in a Swiss bank, Geneva,

17 to which I subsequently had \$65,000 transferred from my

18 account at Colorado National Bank in Colorado.

19 Q Is that exhibit a copy of a document that was

20 transmitted to you from Colonel North?

21 A Yes.

22 Q Do you know at this point how it was transmitted

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AVbur 1 to you?

2 A I cannot remember.

3 Q But when you went through your files, you found

4 that sheet in your files, is that correct?

5 A I did.

6 Q And that was the document that was the basis for

7 the transfer of \$65,000, which is reflected in Deposition

8 Exhibit 2, is that correct?

9 A Correct.

10 Q And you recall that in some manner or other you

11 received that document in the summer of 1985 from Colonel

12 North?

13 A Yes.

14 Q And that was following the meeting with Colonel

15 North that you have described, and you understand the

16 identification of the account to which you were to transfer

17 the funds for the plane?

18 A I do.

19 (Pause.)

20 MR. FRYMAN: I have no further questions, Mr.

21 Coors.

22 Mr. Buck may have a few questions.

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EXAMINATION

2

BY MR. BUCK:

3

Q Mr. Coors, thank you for coming today.

4

A Would you identify yourself?

5

Q I was just going to. My name is Kenneth Buck. I

6

am the Assistant Minority Counsel with the House committee.

7

A Who is the Minority Chairman?

8

Q The Ranking Minority Member in the House is Dick

9

Cheney.

10

A I can see why you would be there.

11

Q Mr. Coors, you mentioned that you had an

12

opportunity to talk with Colonel North on several occasions

13

and observe him speaking on several occasions.

14

What did you believe Colonel North's motives were
in his involvement in the contra affair?

16

A I feel quite confident that Colonel North's

17

motives were to do what he could to further the stated

18

desires of President Reagan to help the movement of the

19

freedom fighters in Nicaragua. He is a very loyal supporter

20

of the President, and I think he had no other motive.

21

Q I want to ask you a question that I believe has

22

been asked before. I just want to make it perfectly clear

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1 in mind the sequence in your meeting of, I believe it was,
2 June 18th, 1985, going from Mr. Casey's office to Mr.
3 North's office.

4 Did Mr. North, did Colonel North solicit funds
5 from you?

6 A No. He never solicited funds. He reacted to my
7 offer.

8 Q Your offer preceded any comment by Mr. North in
9 that regard, and again --

10 A He knew that I had been with Bill Casey. I told
11 him, and I told him that Casey had told me that I should
12 come down and talk to him.

13 Q You made it perfectly clear to Colonel North that
14 you intended your contribution to be used for nonmilitary
15 purposes, is that correct?

16 A Yes, I made that request very specific.

17 Q Would you describe again the origins of your
18 relationship with Mr. Casey?

19 A Yes. As you know, I believe, or the record
20 shows, Mr. Casey and Ed Meese were co-chairmen of the
21 Reagan-Bush Election Committee. I got to know Bill Casey
22 pretty well at the beginnings of that campaign.

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1 I was a member of a group of gentlemen, friends
2 of the President, called the Kitchen Cabinet, and Bill Casey
3 was a member of that group. We met quite frequently to
4 discuss strategy in regard to the election.

5 So I got to know him through those contacts and
6 relationships.

7 At one point I had a luncheon with myself and
8 Casey and Meese before the election. We had a pretty good
9 relationship.

10 MR. BUCK: Thank you very much, Mr. Coors. I
11 have no further questions.

12 MR. FRYMAN: Off the record a second.

13 Let's get Mr. Kaplan back.

14 (Discussion off the record.)

15 (Whereupon, at 11:55 a.m., the taking of the
16 deposition ceased.)

17 JOSEPH COORS

18

19

20

21

22

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I, DAVID L. HOFFMAN, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Notary Public in and for the
District of Columbia

My Commission Expires

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1 UNITED STATES OF AMERICA
2 CONGRESS OF THE UNITED STATES
3

4 - - - - - x
5 In the Matter of: ;
6 TESTIMONY BEFORE THE SENATE ;
7 SELECT COMMITTEE ON SECRET ;
8 MILITARY ASSISTANCE TO IRAN AND ;
9 THE NICARAGUAN OPPOSITION ;
10 - - - - - x

11 Washington, D.C.

12 Friday, April 10, 1987

13 The Deposition of JOAN CORBIN was convened at
14 3:46 p.m., in Room 220, Hart Senate Office Building,
15 Washington, D.C., the witness being first duly sworn by
16 JANE W. BEACH, a Notary Public in and for the District
17 of Columbia, and the proceedings being taken down by
18 Stenomask by Jane W. Beach and transcribed under her
19 direction.
20
21
22

1 APPEARANCES:

2 MARK A. BELNICK, Esquire
3 CAMERON H. HOLMES, Esquire
4 VICTORIA F. NEURSE, Esquire
5 United States Senate
6 Select Committee on Secret Military
7 Assistance to Iran and the Nicaraguan
8 Opposition
9 Washington, D.C.

10
11 KEN H. BALLEW, Esquire
12 U.S. House of Representatives
13 Washington, D.C.

14
15 GERARD F. TREANOR, JR., Esquire
16 Venable, Baetjer and Howard
17 Suite 500
18 2000 Corporate Ridge
19 McLean, Va. 22102
20 (703) 749-3500
21 On behalf of the witness
22

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	C_O_N_F_I_D_E_N_T_I_A_L	
Deposition of		Examination
JOAN CORBIN		
By Mr. Belnick		4

	EXHIBITS
Corbin-Deposition	Page
Exhibit No.	
1	49

1 P-R-O-C-E-E-D-I-N-G-S
2 (Witness sworn.)

3 Whereupon,

4 JOAN CORBIN,
5 called as a witness herein by counsel for the Committee
6 and, having been first duly sworn by the Notary Public,
7 was examined and testified as follows:

8 EXAMINATION

9 BY MR. BELNICK:

10 Q Your name for the record, please?

11 A Joan Corbin.

12 MR. BELNICK: The witness has been sworn?

13 THE REPORTER: Yes.

14 BY MR. BELNICK: (Resuming)

15 Q What's your address?

16 A 600 Center Street in Vienna, Virginia.

17 Q By whom are you employed?

18 A Stanford Technology Trading Group
19 International.

20 Q Which we will sometimes refer to as STTG1.

21 When were you first employed by that company?

22 A In December of 1985.

1 Q Who hired you?
2 A Mr. Secord.
3 Q Mr. Richard Secord?
4 A Yes.
5 Q Are you still employed by that company?
6 A Yes.
7 Q And you've been continuously since you were
8 hired?
9 A Yes.
10 Q In what position?
11 A Secretary.
12 Q Are you also receptionist at the company?
13 A Yes.
14 Q For whom do you perform secretarial services
15 at the company?
16 A Mr. Secord, Mr. Dutton, sometimes for Shirley,
17 Shirley Napier.
18 MR. TREANOR: Excuse me just a moment. Can we
19 go off the record?
20 (Discussion off the record.)
21 BY MR. BELNICK: (Resuming)
22 Q Does Mr. Albert Hakim work at the company?

- 1 A Yes.
- 2 Q Have you done secretarial work for him?
- 3 A Yes, I have.
- 4 Q You referred to Mr. Dutton. What is his first
5 name?
- 6 A Robert.
- 7 Q Robert Dutton, D-u-t-t-o-n. And did he become
8 employed by the company in or around April 1986?
- 9 A Yes.
- 10 Q Has Mr. Hakim been with the company since you
11 began working there?
- 12 A Yes.
- 13 Q Do you know what his position is with the
14 company?
- 15 A He's chairman of the board.
- 16 Q What about Mr. Secord?
- 17 A He's president.
- 18 Q And what about Mr. Dutton?
- 19 A Staff director.
- 20 Q And Ms. Napier has been staff assistant?
- 21 A Yes.
- 22 Q Are there any other employees?

1 A No.

2 Q What are your duties as
3 secretary-receptionist, your usual duties?

4 A Answering the phone, sometimes placing phone
5 calls, typing, filing, sending telexes, xeroxing, just
6 general office duties.

7 Q Do you keep a log of incoming and outgoing
8 phone calls?

9 A No, just messages if someone's not there.

10 Q Did there come a time during your employment
11 at STTGI when you were asked to shred certain
12 documents?

13 A Yes.

14 Q Do you recall when that was?

15 A I believe it was in early December.

16 Q 1986?

17 A Yes.

18 Q Was it a weekday?

19 A Yes.

20 Q Did this happen on more than one day?

21 A I believe so, yes. It was mostly one day, but
22 there was a little bit for several days.

1 Q Prior to the first day that this happened in
2 December '86, had you ever before been asked to shred
3 documents in any quantity?

4 A No, not in any quantity.

5 Q Usually before then just an occasional
6 document?

7 A Yes.

8 Q Now, on the day in December when you were
9 first asked to shred documents, who asked you?

10 A I believe it was Shirley.

11 Q Shirley Napier?

12 A Yes. She had been told, I think, by Mr.
13 Secord certain things, and she would give them to me or
14 tell me to pick them out and shred them.

15 Q Did you hear Mr. Secord give Ms. Napier any
16 instructions?

17 A No, I didn't.

18 Q Did Ms. Napier tell you she had received the
19 shredding instructions from Mr. Secord?

20 A I don't believe she said it was a direct
21 order, but just generally that was my impression.

22 Q Generally, Ms. Napier gave you to understand

1 that Mr. Secord had asked that this be done?

2 A Yes.

3 Q Was anyone else in the office that day aside
4 from you and Ms. Napier?

5 A Yes, Bob Dutton and Mr. Secord.

6 Q Anyone else?

7 A No.

8 Q What documents were you asked to shred?

9 A They were telexes and shorthand notebooks and
10 old phone book message pages and just a couple of rolex
11 cards.

12 Q What did you do? Were you shredding them or
13 collecting them, or both or what?

14 A I was shredding them.

15 Q Who was handing you the documents to be
16 shredded?

17 A Well, the shorthand pads and the phone message
18 books were in the file cabinet. So we just took them
19 out of there and shredded them.

20 Q "we" being?

21 A Shirley and I.

22 And the telexes, I believe Shirley gave them

1 to me. I'm not certain. I think it was from Shirley.

2 Q Did you look at any of the telexes that you
3 were shredding before you shredded them?

4 A Not really. I just fed them into the
5 machine.

6 Q Can you tell us what the content of any of the
7 telexes was or not?

8 A No, I can't, really.

9 Q Did Shirley tell you what the nature of these
10 telexes was that you were shredding? Did she tell you
11 what they concerned, or indicate that to you in any
12 way?

13 A No.

14 Q Did Shirley indicate to you in any way why she
15 or you were being asked to destroy these documents?

16 A No.

17 Q Did you have any understanding of why at the
18 time?

19 A No one had really given an explanation. I
20 guess it was after the news broke on the television and
21 the newspapers, is the only reason I could -- I knew
22 of.

1 Q What news are you referring to?

2 A Well, after the plane went down and then there
3 was a story about the contras and the connection.

4 Q The alleged diversion of moneys?

5 A Yes.

6 Q You recall there was that story that day, the
7 Attorney General of the United States held a press
8 conference in which he announced that it appeared that
9 money that was involved in Iran arms transactions had
10 been diverted to the contras, the resistance movement in
11 Nicaragua?

12 Do you recall that generally?

13 A Generally.

14 Q Let me tell you that that press conference
15 took place on November 25, 1986.

16 Do you recall how many days after November 25,
17 1986, it was that this shredding first occurred?

18 A No, I don't. I believe it was early December,
19 but I don't remember how many days.

20 Q That's the best you can fix it right now?

21 A Yes.

22 Q Have you ever asked Mr. Secord or Mr. Dutton

1 why you were asked to do the shredding or why they
2 wanted these documents shredded?

3 A No, I didn't.

4 Q Are you still employed at STTGI?

5 A Yes.

6 Q Do you still see Mr. Seward in the office?

7 A Yes.

8 Q Do you see Mrs. Button in the office?

9 A Yes.

10 Q Do they know that you are going to be
11 testifying here today or coming in for an interview?

12 A Yes.

13 Q And did you tell them that?

14 A I don't guess I told them. I think Shirley
15 probably told them, because they knew before I left
16 yesterday, they knew about it.

17 Q Yesterday you saw the independent counsel, or
18 before you left the office yesterday?

19 A Before I left the office yesterday.

20 Q How do you know they knew?

21 A Well, before I left I said: I won't be here
22 tomorrow morning; I guess you know where I'm going. And

1 they said yes, they did know.

2 Q "They" being?

3 A Mr. Dutton and Mr. Secord.

4 Q Did they say anything to you about the
5 testimony that you were coming to give?

6 A No, they just said don't worry about it, don't
7 be nervous, and just tell them what you know.

8 Q You've seen the independent counsel?

9 A Yes.

10 Q Did you see him this week, too, or last week?

11 A That was last week.

12 Q Did Mr. Dutton or Mr. Secord speak to you
13 about your appearance there prior to the appearance?

14 A No. They just said, how did it go, or general
15 things like that. We didn't discuss it.

16 Q What did you tell them?

17 A I told them it went okay.

18 Q Did they ask you whether you were asked any
19 specific questions?

20 A No.

21 Q Going back to the day you were first asked to
22 shred documents, you mentioned telexes, I believe steno

1 books. What were on the steno -- what was in the steno
2 books?

3 A Well, it was just day to day notes, like if I
4 would take a phone message I would write it down, then
5 transfer it to the phone book, or just like a scratch
6 pad, really, whatever I was writing for the day, or
7 sometimes dictation. Just everything.

8 Q Any other kinds of documents shredded that
9 day?

10 A I don't believe so.

11 Q How many days after the first did shredding
12 take place again?

13 A I don't recall. I think it was all in there
14 like together, maybe for a couple of days. You mean how
15 many days after the first day?

16 Q Yes.

17 A Probably just two or three.

18 Q Were there any days when there was shredding
19 apart from the two days that you have now described?

20 A No.

21 Q You were here when Ms. Napier testified
22 earlier about cash that she delivered to the Old

1 Executive Office Building, correct?

2 A Yes.

3 Q When did you first hear about that?

4 A Today. I hadn't known about that.

5 Q She never discussed it with you before?

6 She also testified about cashing checks for
7 Mr. Hakim in the amount of \$15,000. I believe you heard
8 that testimony. When was the first you heard about that
9 transaction?

10 A I believe she mentioned that. I don't know
11 when it was. Probably just in the last few weeks,
12 because she had talked about it with the independent
13 counsel or something. In fact, I believe she mentioned
14 the other \$16,000, too, the trip to Miami and the
15 \$16,000. She had mentioned that just in the last few
16 weeks, too.

17 Q Did you and she both decide to seek legal
18 counsel at the same time, do you recall?

19 A Well, I guess it was. We were both subpoenaed
20 about the same time.

21 Q Did you talk to Mr. Secord or Mr. Hakim or Mr.
22 Dutton about the subpoena when she received it?

1 A Mr. Secord knew about it, and Mr. Dutton.

2 Q Did they suggest counsel to you or say
3 anything about it?

4 A I don't remember. I know that Mr. Green had
5 talked with Mr. Treanor.

6 Q We won't go into those.

7 Is STTGI taking care of your legal expenses
8 for this?

9 A I believe so.

10 Q Have you ever seen Ollie North at STTGI's
11 offices?

12 A No, I haven't.

13 Q When is the last time to your knowledge that
14 Mr. North called your offices?

15 A I'm not sure. I believe it was last fall of
16 '86.

17 Q By the way, were you asked at any point prior
18 to retaining Mr. Treanor to talk to Mr. Green and let
19 him know what you knew about these matters?

20 A No.

21 Q Have you ever done that?

22 A No.

1 Q Do you know if Ms. Napier has ever done that?

2 A Not to my knowledge.

3 Q Apart from the independent counsel, your own
4 attorney, and the people who are here today, have you
5 ever discussed with anyone the document shredding in
6 which you participated in September 1986?

7 A No.

8 Q On the first day that the shredding occurred,
9 can you tell me approximately how long it went on?

10 A You mean during that day?

11 Q Yes.

12 A No. It wasn't just like all day. It was -- I
13 don't really know. It was just off and on during the
14 day.

15 Q The same thing the second day?

16 A Yes, probably not as much.

17 Q Were you asked at any time before or after
18 those days of shredding to alter any documents?

19 A No.

20 Q Were you asked to remove documents from the
21 office at all?

22 A No.

- 1 Q Have you ever been asked to do that?
- 2 A I helped Shirley carry the boxes to her car,
3 the boxes she took to Mr. Secord. That's all.
- 4 Q And that was in later December 1986, after the
5 shredding?
- 6 A Yes.
- 7 Q About how long after the second day of
8 shredding was it?
- 9 A I don't know. I'd say a week or two.
- 10 Q And what did Shirley tell you on that
11 occasion?
- 12 A Just that she was taking them to Mr. Secord.
- 13 Q Did she say that he had called and asked for
14 them, or anything like that?
- 15 A She may have. I don't really recall.
- 16 Q But she asked you to carry the boxes to her
17 car?
- 18 A To her car. There were two boxes.
- 19 Q Did she tell you where she delivered those
20 boxes?
- 21 A To the Embassy Suites.
- 22 Q When did she tell you that?

1 A I'm not sure whether it was before she left or
2 when she got back.

3 Q Did she tell you when she got back who she had
4 seen at the hotel?

5 A I don't believe she did tell me that.

6 Q Do you recall if she told you that she had
7 seen Colonel North there?

8 A I know I knew at some time, but I don't know
9 when, when she told me.

10 Q Do you know if those boxes were ever returned
11 to your offices?

12 A I've seen one of them. I don't know if the
13 other one was brought in when I wasn't there.

14 Q Was the one you saw brought in while you were
15 there?

16 A Yes.

17 Q By whom?

18 A Mr. Secord.

19 Q Do you remember when?

20 A Maybe three weeks ago.

21 Q What has happened to that box?

22 A Well, most of what was in it has been taken by

1 the independent counsel.

2 Q What happened to the remainder?

3 A It's back in the filing cabinet.

4 Q Do you recall what documents went back into
5 the filing cabinets, what kinds of documents?

6 A It was just files. I don't recall what
7 files. Just like the rental service for the furniture
8 and things they weren't interested in.

9 Q The independent counsel had gone through all
10 those materials?

11 A Yes.

12 Q So those materials were not removed before the
13 independent counsel took the box out, right?

14 A No.

15 Q Do you have a rolodex?

16 A Yes.

17 MR. BELNICK: I'll just for the record make
18 the request, addressed to your counsel, that we get a
19 copy of the cards, that we and the House get a copy of
20 the cards on Joan's, Joan Corbin's rolodex.

21 MR. TREADOR: Yes, I'll provide those, if not
22 this afternoon, then Monday.

1 BY MR. BELNICK: (Resuming)

2 Q Did you know Noel Koch, K-o-c-h?

3 A Yes.

4 Q Who did you understand him to be?

5 A I knew he worked for the Department of
6 Defense, Assistant Deputy Director. I'm not sure of the
7 whole title. And he was a friend of Mr. Secord's.

8 Q Did he call the office?

9 A Yes.

10 Q Frequently?

11 A Fairly frequently, yes.

12 Q Did he ever visit the office?

13 A Yes.

14 Q On how many occasions?

15 A I'm not sure, but at least a half a dozen,
16 maybe more.

17 Q Did you place calls to him for Mr. Secord,
18 that is to Mr. Koch?

19 A Yes.

20 Q Did you call him at the Defense Department?

21 A Yes.

22 Q Do you know what their business was together?

1 A No, I don't.

2 Q Did you ever overhear any discussions between
3 them?

4 A No.

5 Q Do you know a man named Oinstead?

6 A Yes.

7 Q What's his first name?

8 A Willard.

9 Q How do you know him?

10 A How do I know him?

11 Q Uh-hmm.

12 A Well, he has called. He calls for Mr. Secord
13 and he has been to the office several times.

14 Q Do you know what his business is with Mr.
15 Secord?

16 A No, I don't.

17 Q Or with your company?

18 A No, I don't.

19 Q Do you know where he lives?

20 A No.

21 Q Do you know where he works?

22 A No.

1 Q What does he look like?

2 A He's tall and slim. He has blond hair, a
3 small moustache, I believe, kind of dark-tinted
4 glasses. And I believe he has one eye that, I'm not
5 sure whether it's an artificial eye or whether he's just
6 blind in one eye.

7 Q Who told you about the eye?

8 A Dutton.

9 Q Bob Dutton?

10 A Yes.

11 Q Did he tell you how Mr. Olmstead lost his
12 eye?

13 A No, I don't believe so.

14 Q Did Mr. Dutton tell you anything else about
15 Mr. Olmstead?

16 A No. I believe he mentioned that he was a
17 Marine.

18 Q That Mr. Olmstead was a Marine?

19 A Uh-hmm, or had been.

20 Q Did Mr. Dutton tell you where Mr. Olmstead had
21 served or had been stationed as a Marine?

22 A No.

1 Q Did Mr. Dutton or anyone else ever tell you
2 that Mr. Olmstead had served with Lieutenant Colonel
3 North in the military?

4 A No.

5 Q Did you ever discuss Mr. Olmstead with Mr.
6 Secord?

7 A No.

8 Q Do you know if Mr. Olmstead was a lawyer?

9 A Not that I know of.

10 Q And again, you don't know what business he had
11 with your company or with Mr. Secord?

12 A No.

13 Q When he came to the office, did he ever meet
14 with Mr. Dutton?

15 A No.

16 Q Did you know the name Kopp?

17 A No.

18 Q Do you know the name Good?

19 A Yes.

20 Q Who was that?

21 A That was Mr. North.

22 Q That was a code name for Oliver North?

- 1 A Yes.
- 2 Q How did you learn that?
- 3 A I believe Mr. Secord mentioned it. I'm not
4 sure. Fawn would call, Fawn Hall would call, and say:
5 "Mr. Good would like to speak to Mr. Secord."
- 6 Q On those occasions did you recognize the
7 caller's voice as that of Fawn Hall?
- 8 A Yes.
- 9 Q Did you know who Fawn Hall was?
- 10 A Yes.
- 11 Q Who was she?
- 12 A She was Mr. North's secretary.
- 13 Q There were, were there not, certain
14 communications devices in your office?
- 15 A Yes.
- 16 Q Did you understand them to be encryption or
17 code machines of some kind?
- 18 A Yes.
- 19 Q Were they there as of the date you started
20 working, in December 1985? Were any of them there?
- 21 A No, I don't believe they were.
- 22 Q When did the first one arrive, as best you

1 recall?

2 A I believe it was the summer, the summer of
3 '86.

4 Q Can you recall who brought -- did one machine
5 arrive or did more than one?

6 A I believe it was only one.

7 Q Who brought it?

8 A I don't recall. I don't think I saw it
9 brought in. It was just there, but I don't know who
10 brought it in.

11 Q Did there come a time that more such machines
12 arrived?

13 A I had thought that Mr. Secord and Mr. Dutton
14 were using the same one. There were several of them
15 there later in the year, but they were just in storage
16 in the kitchen area.

17 Q Did anyone ever tell you the purpose of those
18 machines?

19 A No. They were just messages.

20 Q Did you know why they were being used, why --
21 who used the machine in your office? Let me ask that.

22 A Mr. Dutton and Mr. Secord.

1 Q Did you know why they were using a code
2 machine?

3 A I just assumed it was safer than the
4 telephones.

5 Q What did the machines look like?

6 A They had a keyboard and a small screen for
7 writing to appear on.

8 Q How would you know when the machine was
9 operating, when a message was coming? Could you hear a
10 clatter or a bell?

11 A No, I didn't, no. Someone would call and say
12 they were going to send a message, and I would tell Mr.
13 Dutton or Mr. Secord, whichever was there. And they
14 would have to do something to hook it up to the phone, I
15 believe, and it would come that way.

16 Q And did you transcribe, that is type, what
17 came over the machine?

18 A A couple of times when Shirley wasn't there.

19 Q Ordinarily Shirley did it?

20 A Yes.

21 Q Were you ever asked to make any visits to the
22 Old Executive Office Building?

1 A No.

2 Q Were you ever asked to make a delivery to or
3 pick up from any employee of the United States
4 government at any level?

5 A No.

6 Q Were you ever asked at any time to deliver
7 anything or pick up anything from Fawn Hall or Oliver
8 North?

9 A No.

10 Q Were you involved in any cash transactions?
11 have you been involved in any cash transaction during
12 your employment at the company?

13 A Just tax deposits and petty cash.

14 Q Petty cash?

15 A Yes.

16 Q Have you cashed any checks for Messrs. Secord,
17 Hakim, or Dutton?

18 A No.

19 Q Have you written any letters or sent any
20 materials in the mail to Mr. Hakim?

21 A To Mr. Hakim?

22 Q Yes.

1 A I don't recall any letters. We sent them --
2 his mail comes to our offices sometimes. I've sent him
3 mail -- I don't believe so.

4 Q Do you know the name Tony Greene?

5 A Yes.

6 Q Who is he?

7 A I'm not sure who he is. He calls -- he used
8 to call and talk to Mr. Secord.

9 Q From where, do you know?

10 A From London and other foreign countries. I
11 don't know where. I could just tell it was long
12 distance or overseas calls.

13 Q Do you know what his business was?

14 A No, I don't.

15 Q Have you ever heard of a Mr. Nir?

16 A Yes.

17 Q Who did you understand him to be?

18 A I can't know who he was.

19 Q Did you ever send anything to him?

20 A Yes, I sent an envelope to him at DHL.

21 Q When?

22 A I believe it was last summer.

1 Q The summer of 1986?

2 A Yes.

3 Q Do you know what was inside of that?

4 A No, I don't.

5 Q How large of an envelope? Business letter

6 size?

7 A The brown, the larger brown kind.

8 Q Could you feel, was it bulky inside?

9 A I believe so, yes.

10 Q Did it feel like paper or something harder?

11 What did it feel like?

12 A I think it was papers.

13 Q Who gave you the package to send?

14 A Mr. Secord.

15 Q And you addressed it to Mr. Nir in Israel?

16 A I believe it was Israel.

17 Q Do you recall which city in Israel?

18 A No, I don't.

19 Q Do you recall if it was Tel Aviv?

20 A I don't know for sure.

21 Q Did he tell you to send it -- you say DHL.

22 What does that mean?

1 A That's overseas, like Federal Express, only it
2 goes overseas.
3 Q Expedited delivery?
4 A Yes.
5 Q Did Mr. Secord specifically instruct you to
6 send it expeditiously?
7 A Yes.
8 Q Did you call to confirm receipt or anything
9 like that?
10 A No.
11 Q Did you get a receipt of delivery back?
12 A No.
13 Q Do you know who Mr. Robert McFarlane was?
14 A Yes.
15 Q I'm referring to the former National Security
16 Adviser to the President. Do you understand that?
17 A Yes.
18 Q Did he ever call Secord's office?
19 A I believe he got a call several times from a
20 Mr. McFarlane. I'm not sure that it was this Mr.
21 McFarlane.
22 Q Did you hear that McFarlane voice on the other

1 end of the line?

2 A Yes.

3 Q Have you had occasion to hear Mr. Robert
4 McFarlane speak on television or on the radio?

5 A Yes.

6 Q Did the voice you heard on the phone sound
7 like the one you've heard on TV, or can't you tell?

8 A I don't know.

9 Q Did Mr. Secord ever tell you or did Mr. Dutton
10 ever tell you that the McFarlane calling was Robert
11 McFarlane from the National Security Council?

12 A No.

13 Q Did anyone ever tell you that was the
14 McFarlane?

15 A No.

16 Q Did you place any calls to Mr. McFarlane for
17 Mr. Secord?

18 A No.

19 Q The calls that came to Secord from a Mr.
20 McFarlane, when did they occur?

21 A They were probably last summer or earlier.

22 Q The summer of '86 or earlier?

1 A Yes.

2 Q How many calls?

3 A Probably only two that I can think of.

4 Q You know the name John Poindexter from the

5 newspapers, correct?

6 A Yes.

7 Q Did Admiral Poindexter ever call, to your

8 knowledge?

9 A Not that I recall.

10 Q Were you ever asked by anyone to place any

11 calls to Mr. Poindexter?

12 A No.

13 Q Do you know what -- strike that.

14 You placed calls to Oliver North, I believe

15 you testified, correct?

16 A Correct.

17 Q For Mr. Secord?

18 A Yes.

19 Q For Mr. Hakim as well?

20 A I believe he did a couple of times.

21 Q For Mr. Dutton?

22 A Yes.

1 Q And calls came in from Mr. North for Secord?
2 A Yes.
3 Q For Dutton?
4 A Yes.
5 Q For Hakim?
6 A Yes.
7 Q Did you know what the nature of the business
8 dealings were between North and your company or those
9 people?
10 A No, I didn't.
11 Q Did you ever hear that discussed or speculated
12 about?
13 A No.
14 Q Did you ask anyone?
15 A No, I didn't.
16 Q Did you ever discuss it with Shirley?
17 A We would discuss that we didn't know what was
18 going on and didn't know what to do.
19 Q Were you curious?
20 A Yes.
21 Q But didn't ask. Why not?
22 A Well, I guess I figured if it was something I

1 should know I would be told.

2 Q How did you come to be employed by SITGI?

3 A I was working for a temporary company. I had

4 worked there as a temporary from October to December,

5 and then went on as their employee.

6 Q Did you know anything about Secord, Hakim, or

7 Dutton before that?

8 A No, I didn't.

9 Q Do you know the name Lake Resources?

10 A Yes.

11 Q How do you know that name?

12 A We had stationery printed with that name.

13 Q When did you have that stationery printed?

14 A I believe that was that summer.

15 Q Did you take care of that?

16 A Yes.

17 Q At whose request?

18 A Mr. Hakim's.

19 Q How much stationery did you have printed?

20 A Just one box, a ream. I think it's 500.

21 Q What printer?

22 A Minuteman Press.

- 1 Q Where?
- 2 A Somewhere, Tysons Corner. I don't recall the
- 3 address.
- 4 Q What did you do with that stationery when it
- 5 was printed?
- 6 A Put it in the file cabinet.
- 7 Q Did you ever use it?
- 8 A No.
- 9 Q Did you give copies to anybody?
- 10 A I don't believe so.
- 11 Q What address was printed on the stationery for
- 12 Lake Resources?
- 13 A I can't remember the address.
- 14 Q Do you remember where in the world it was?
- 15 Was it an American address, Panama, Swiss?
- 16 A No, I don't remember.
- 17 Q Did you ever hear of a company known as Hyde
- 18 Park Square Corporation?
- 19 A No.
- 20 Q You've heard of William Zucker?
- 21 A Yes.
- 22 Q In what connection have you heard of him?

- 1 A He works with CSF in Switzerland.
- 2 Q A Swiss company?
- 3 A Yes.
- 4 Q What kind of company do you understand CSF to
- 5 have been?
- 6 A A financial or banking company.
- 7 Q Any relationship between CSF and your
- 8 company?
- 9 A Just that -- I'm not sure. Our company has
- 10 some business relations with them. I'm not sure exactly
- 11 what it is.
- 12 Q Did telexes come into your company from Mr.
- 13 Zucker?
- 14 A Yes.
- 15 Q From CSF?
- 16 A Yes.
- 17 Q Was Zucker himself ever in the office to your
- 18 knowledge?
- 19 A No.
- 20 Q Did you place calls for him for Mr. Secord?
- 21 A Yes.
- 22 Q For Mr. Hakim?

1 A Yes.

2 Q For Mr. Dutton?

3 A Yes.

4 Q Where did you reach him when you placed calls
5 for Mr. Zucker?

6 A At his office in Geneva.

7 Q What did you understand his job to be at your
8 company?

9 A I understood that he was hired to handle
10 whatever was going to be done down South, they called
11 it.

12 Q "Down South"?

13 A Yes.

14 Q That was his term, Dutton's?

15 A Yes.

16 Q What did you understand to be "going on down
17 south" insofar as your company was concerned?

18 A Well, I wasn't sure. I remember hearing about
19 an airstrip that was being built, and I didn't really
20 know what was going on.

21 Q Where was the airstrip being built?

22 A I think it was called Lopango or Ilepango.

1 I'm not sure how it's pronounced.

2 Q From whom did you hear about Ilopango?

3 A Bob Dutton.

4 Q What did he tell you?

5 A I just remember things like how much mud there
6 was and they were having problems building it because of
7 the weather and things like that.

8 Q Did you ever hear discussion about an airfield
9 being built in Costa Rica?

10 A No, I don't believe so.

11 Q Did anyone by the name of Mack ever
12 communicate with the office?

13 A Mack?

14 Q Yes.

15 A No.

16 Q How about Mick?

17 A No.

18 Q How about Mo? Mack, Mick, or Mo?

19 A No.

20 Q Did you ever hear a discussion about the
21 Farm?

22 A Yes.

1 Q Who talked about the Farm?
2 A I don't think there was any talk about it. It
3 was on a sheet that I typed for Mr. Dutton, an
4 organizational chart or whatever it was.
5 Q The Farm was listed?
6 A Yes.
7 Q Was the Plantation listed?
8 A I'm not sure. I think it was.
9 Q Could you tell what those terms referred to?
10 A Not exactly. I knew they were places, but
11 no.
12 Q Did you think the company owned a farm and a
13 plantation?
14 A No.
15 Q Did you think those were code names, too?
16 A Yes.
17 Q Do you know what they were code names for?
18 A No. They were locations, but I'm not sure
19 where.
20 Q Did you ever hear talk about Aguacote?
21 A What was that?
22 Q Aguacote?

- 1 A No.
- 2 Q Do you know the name Adolfo Calero?
- 3 A Yes.
- 4 Q Did he call the office?
- 5 A No.
- 6 Q Did you place any calls to him?
- 7 A No.
- 8 Q How do you know the name?
- 9 A It's in my rolodex, and I believe Tom Green
- 10 called to get his phone number once.
- 11 Q When?
- 12 A It's been a long time.
- 13 Q Before November 1986?
- 14 A Probably.
- 15 Q The best you recall?
- 16 A The best I can remember.
- 17 Q Who was Glenn Robinette?
- 18 A A business acquaintance of Mr. Secord or a
- 19 friend, I'm not sure.
- 20 Q Did you see him in the office?
- 21 A Yes.
- 22 Q On many occasions, a few?

- 1 A Pretty often.
- 2 Q Throughout 1986?
- 3 A Yes.
- 4 Q When was the last time you saw him there?
- 5 A The day before yesterday.
- 6 Q Who did he meet with two days ago?
- 7 A Mr. Secord.
- 8 Q For how long?
- 9 A Just briefly. He came in and was in his
- 10 office for just a little while, and then they left.
- 11 Q Did you overhear any of their conversation?
- 12 A No.
- 13 Q When was Mr. Robinette in for the last time
- 14 before two days ago?
- 15 A I guess that would have been probably three
- 16 weeks or so.
- 17 Q Did he usually come in at least once a month?
- 18 A Yes.
- 19 Q During 1986; and sometimes more frequently?
- 20 A Yes.
- 21 Q Did he pick up checks?
- 22 A Not that I know of.

1 Q Did he bring anything with him on those
2 occasions?
3 A He did pick up a check one time I was there.
4 Q From whom?
5 A From Mr. Secord.
6 Q Do you know for how much?
7 A \$2,000.
8 Q Do you know to whom that check was made out?
9 A To Mr. Robinette.
10 Q Did you see it?
11 A Yes.
12 Q How did you happen to see it?
13 A Because Mr. Secord gave it to me and said, put
14 it in an envelope with Mr. Robinette's name on it.
15 Q Did you know what it was for?
16 A No. It said "consulting services."
17 Q Did Mr. Secord cut that check himself, do you
18 know?
19 A Yes.
20 Q How do you know that?
21 A It was handwritten in his handwriting.
22 Q Was that unusual in terms of office practice,

1 for him to write out a check?
2 A No, he does that.
3 Q Can you place in time when this \$2,000 check
4 was given to Mr. Robinette, Joan, as best you can?
5 A I think it was about three weeks.
6 Q Three weeks ago?
7 A Yes.
8 Q Some time in March of this year?
9 A Yes.
10 Q Do you know what kinds of services Mr.
11 Robinette performed for your company?
12 A No, I don't.
13 Q Do you know if he provided any services to
14 Oliver North?
15 A Not to my knowledge.
16 Q Did Mr. Thomas Clines, C-l-i-n-e-s, come into
17 the office at all?
18 A Yes.
19 Q Frequently?
20 A Totally regularly, yes.
21 Q Who did he come in to see?
22 A Mr. Secord.

1 Q Anyone else?
2 A Mr. Hakim if he was in town.
3 Q Do you know what his business was, Mr.
4 Clines?
5 A No, I don't.
6 Q Did you place calls to him?
7 A Yes.
8 Q To where?
9 A In South Carolina or Middleburg.
10 Q Do you know Sam O'Neill?
11 A Yes.
12 Q Did he come into the office?
13 A Yes.
14 Q How many times?
15 A Maybe two or three.
16 Q In 1986?
17 A Yes.
18 Q When in 1986?
19 A I don't recall. It was probably summer or
20 earlier.
21 Q Do you know what his business was?
22 A No, I don't.

1 Q Could you describe what he looked like?
2 A He was large, tall, and he has blond hair.
3 Q Did he wear glasses?
4 A I believe so.
5 Q Do you know whether that was his real name,
6 Sam O'Neill?
7 A I don't know.
8 Q Did you make travel arrangements occasionally
9 for Secord and Hakim?
10 A Occasionally.
11 Q What travel agency did you use?
12 A BT Travel.
13 Q Where is that located, Tysons Corner?
14 A Yes.
15 Q Did you place calls to Mr. David Walker?
16 A Yes.
17 Q Who did you understand him to be?
18 A I didn't know who he was.
19 Q Who called him, Mr. Secord?
20 A Yes.
21 Q Mr. Hakim?
22 A I don't believe so.

1 Q Mr. Dutton?

2 A No.

3 Q Did Mr. David Walker call your office
4 occasionally?

5 A Yes.

6 Q Ask for Secord?

7 A Yes.

8 Q Do you know what Udall is, U-d-a-l-l?

9 A I've heard the name, yes.

10 Q What is it?

11 A I don't know what the company is. We had
12 stationery printed for them also.

13 Q Did you hear the name B-a-n-d-a-r at the
14 office?

15 A Yes.

16 Q How did you hear his name?

17 A There is a card in my rolodex with the name on
18 it, and there was a Prince, I think it was Bandar, that
19 came to the office once. He's not the ambassador. He
20 may be his nephew or something. He was quite young.

21 Q How young?

22 A About 30.

1 Q All right. It seems younger to me every day.
2 And when did he come to the office, the young
3 prince?
4 A That was last summer.
5 Q Summer of '86?
6 A Yes.
7 Q July, August? Do you remember?
8 A I really don't know.
9 Q Who did the young prince come to see?
10 A Mr. Secord.
11 Q He met with him for how long?
12 A Just briefly. I think it was to say hello.
13 Q You didn't overhear any of the conversation?
14 A No.
15 Q Do you know the name Erich von Marbod?
16 A Yes.
17 Q And does he ever call the office, do you
18 know?
19 A I don't believe so.
20 Q How did you know the name?
21 A It's in my rolodex.
22 Q How did the names get in this rolodex?

1 A I don't know. They were there before I was.

2 Q Do you know who your predecessor was?

3 A Patsy Coolidge, D-o-o-l-i-n-g.

4 Q Where is she?

5 A I believe she still works in Virginia.

6 Q Do you know why she stopped working for the
7 company?

8 Is she married? Is that her married name, do
9 you know?

10 A I think so.

11 Q Patricia Dooling?

12 A I think so.

13 Q Did Shirley have a predecessor as staff
14 assistant?

15 A No.

16 MR. BELNICK: I just want to mark this
17 subpoena as Corbin Exhibit 1.

18 (The document referred to
19 was marked Corbin Deposition
20 Exhibit No. 1 for
21 Identification.)
22

1 MR. BELNICK: I will represent to your
2 counsel, Gerry, that Corbin Exhibit 1 I believe to be a
3 true copy of the subpoena that we served on Ms. Corbin.
4 And let me just ask you, Gerry, whether you or Ms.
5 Corbin has looked for the documents requested in the
6 Senate subpoena.

7 MR. TREADOR: Yes, we have.

8 MR. BELNICK: And have found none?

9 MR. TREADOR: We have found no documents
10 responsive to the attachment other than the copy of the
11 rolodex.

12 MR. BELNICK: Which you'll be providing.

13 MR. TREADOR: And information concerning her
14 telephone number, and I believe we thought possibly
15 responsive to that subpoena is a personal telephone
16 directory which she keeps at her home. And I would
17 represent to you that none of the names you've asked
18 about today are in that personal telephone book.

19 Those are the only items that I know of.
20 Those have all been -- those are in the process of being
21 reproduced today.

22 MR. BELNICK: I appreciate that.

1 MR. TREANOR: And we'll be happy to provide
2 those to you promptly Monday morning.

3 MR. BELNICK: To us and to the House?

4 MR. TREANOR: And to the House.

5 MR. BELNICK: Okay.

6 MR. BALLENS: Just for the record, you received
7 the House subpoena and you made the same search?

8 MR. TREANOR: Yes. The subpoena is different,
9 but I think called for the same information.

10 MR. BELNICK: Ken, why don't you take over.

11 BY MR. BALLENS:

12 Q I just have a couple of questions.

13 Did you place any calls to a Dr. Barneil in
14 Portugal?

15 A Yes.

16 Q What were the circumstances of that?

17 A Mr. Cline would sometimes ask me to get Dr.
18 Barneil on the phone in Portugal.

19 Q And do you recall, did he have a first name?

20 A Jose.

21 Q Just taking you back to early December again
22 and the shredding, if I understand correctly you were

1 asked to destroy certain rolodex cards?

2 A Yes.

3 Q Do you recall any of the names on the cards
4 you were asked to destroy?

5 A There was Mr. North, I believe Mr. Olmstead,
6 David Walker, Tony Greene. Those are the only ones I
7 can think of right now.

8 Q Who was it that asked you to destroy those?

9 A I believe Shirley went through the cards, and
10 we just destroyed the same ones that were in our file.
11 The Rafael Quintero, that was later, because he had had
12 his number changed and I didn't have the new one.

13 Q I believe you said earlier that Mr. Dutton was
14 also shredding on that occasion?

15 A Yes.

16 Q And Mr. Secord was also shredding?

17 A I believe so. I didn't actually see him doing
18 it.

19 Q What led you to believe that Mr. Secord was
20 shredding?

21 A Well, he was in the room and I heard the
22 shredder. I didn't see what he was doing.

1 Q You heard the shredder running and he was in
2 the room. Did you see him go in the room?

3 A Yes.

4 Q Did you see him going in the room carrying
5 anything?

6 A No. I wasn't paying any attention to what he
7 had in his hand.

8 Q Was there anyone else in the room when he was
9 in the room and the machine was on, that you know of?

10 A Not that I know of.

11 Q Now, I believe you testified earlier that you
12 were taking documents to Mr. Secord for Mr. Secord that
13 Shirley Napier was taking to the Embassy Suites; is that
14 correct?

15 A Yes.

16 Q And that was after the second day of
17 shredding, if you recall?

18 A Yes.

19 Q And what would that be, some time in
20 December?

21 A Yes.

22 Q Would that be after the first week of

1 December, to the best of your recollection?

2 A I believe so.

3 Q After December, after these days of shredding
4 that you described, were there other times after that
5 that documents have been shredded since December of
6 1986?

7 A Well, documents are shredded or papers are
8 shredded just routinely all the time. I don't know what
9 would have been -- we just shred things sometimes
10 instead of throwing them in the trash.

11 Q But not any other events where Mr. Secord --
12 or there was an organized effort to do this?

13 A No.

14 MR. BALLENS: I have nothing further.

15 MR. BELNICK: Gerry, do you have any
16 questions?

17 MR. TREANOR: No.

18 MR. BELNICK: Joan, would you like to say
19 anything more?

20 THE WITNESS: No.

21 MR. BELNICK: Then on behalf of the House and
22 the Senate Committees, let me thank you for your

1 cooperation and your testimony today.

2 MR. BALLEW: I just want to reiterate that.

3 (Whereupon, at 4:35 p.m., the taking of the
4 instant deposition ceased.)

5

6

7

Signature of the witness

8

SIGNED AND SWORN TO before me this -----
9 day of -----, 198-----.

10

11

12

Notary Public

13

My Commission expires:

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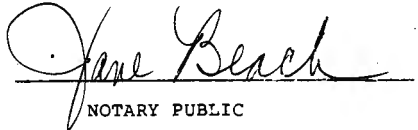
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CERTIFICATE OF REPORTER

I, JANE W. BEACH, the officer

before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by ME; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


NOTARY PUBLIC

My commission expires November 14, 1991.

119

UNITED STATES OF AMERICA

Congress of the United States

To Joan Corbin

, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION

of the

Senate of the United States, on March 30, 1987,

at 10:30 o'clock P. m., at their committee room Hart Senate Office Building, 9th Floor, then and there

to testify what you may know relative to the subject matters under consideration by said committee.

Pursuant to Committee Rule 6, this subpoena directs appearance at the deposition whose notice accompanies it. You must bring with you the materials listed in Attachment A.

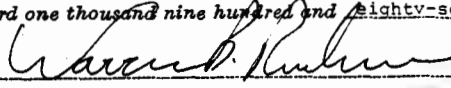
Thereat fail not, as you will answer your default under the pains and penalties in such cases made and provided.


To any Select Committee staff member or U.S. Marshal to serve and return.

Given under my hand, by order of the committee, this

25 day of March, in the year of our

Lord one thousand nine hundred and eighty-seven


Vice Chairman
Warren Rudman



UNITED STATES OF AMERICA
Congress of the United States

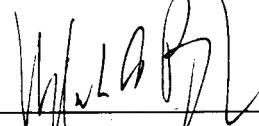
Notice of
Senate Deposition

To Joan Corbin

Greeting:

Please take notice that at 10:30 o'clock a.m., on March 30,
19 87, at Hart Senate Office Building, 9th Floor
of the staff of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan
Opposition of the Senate of the United States, will take your deposition on oral examination
concerning what you may know relative to the subject matters under consideration by said
Select Committee. The deposition will be taken before a notary public, or before some other
officer authorized by local law to administer oaths; it will be taken pursuant to the Select
Committee's rules, a copy of which are attached.

Given under my hand, by authority vested in me by
the Select Committee on Secret Military
Assistance to Iran and the Nicaraguan
Opposition on March 25, 1987



ATTACHMENT A

JOAN CORBIN

The respondent shall produce:

1. With regard to any activity undertaken by any corporation or partnership or association in which you have been an officer, director, partner or employee, all materials relating to:

- a. the payment of and service provided of any employee or provider of any personal service, including consultants, advisors, accountants, bookkeepers, shippers, warehousemen, travel agents, freight forwarders, attorneys, and tax preparers, including any list of such persons' names, addresses or phone numbers.
- b. the provision of any communication services, including but not limited to telephone, long distance phone, mobile phone, pager, telex, or expedited mail services.
- c. the incorporation, designation of officers or directors, stock issuance, stock transfers, capitalization, financing, or corporate acts of any corporation, its parent, affiliated corporation or subsidiaries, if any, foreign or domestic including any and all corporate resolutions.
- d. tax records of any kind including income tax returns and supporting documents, filed with any department or agency of the United States, any State, or a foreign government.
- e. accounting records showing the profitability, net worth, assets or liabilities.
- f. the provision of any financial services, including but not limited to banking, pension, investment, lending, brokering, financing, bookkeeping, accounting or financial advising services, wherever located.
- g. the receipt, transfer or transportation of currency or any cash equivalent of a value of more than \$1,000.
- h. any contract, agreement, or consultant arrangement involving, or any compensation from, any department division or agency of the United States, any State or political subdivision thereof, or any foreign government or subdivision thereof, whether executed or not, including those in which involvement was limited to consulting, advising, or discussing such event.

Page Two

i. or consisting of appointment books, phone or other communication messages, phone number compilations or lists, diaries, calendars or contemporaneous records of daily activity such as time billings.

j. the acquisition by any person, transfer or transportation, whether by purchase, sale, lease, consignment or shipment, of:

1. any weapon or ammunition of any kind
2. any supply suitable for use in combat
3. any air, sea or ground transportation vehicle or vessel

including but not limited to materials relating to the sources and disposition of all financing and payments for such items.

k. travel within, to or from Iran, Israel, Switzerland, Panama, Bermuda, Liberia, Lichtenstein, Hong Kong, the Cayman Islands, Portugal, Denmark, Saudi Arabia, El Salvador, Costa Rica, Nicaragua, Honduras or Guatemala, by any officer, director, agent, employee, or provider or any personal services, including but not limited to consultants, advisors, or contractors.

l. any communication with any person or entity in any of the countries in (k) above, whether in writing, telecommunication, radio or otherwise, by any officer, director, agent, employee or provider of any personal service.

m. the purchase, sale, provision, transfer or transportation of any goods or services within, to or by any person or entity in any of the countries in (k) above.

2. With regard to any activity undertaken personally or as a consultant, independent contractor or in any other capacity, all materials required in (1) above.

3. All materials relating to any of the individuals or entities in Appendix A hereto.

4. All materials relating to any American citizen held hostage.

5. All materials relating to forces opposing the government of Nicaragua, including financial, military or other assistance to such forces, whether in Nicaragua or elsewhere.

The term "materials" in this subpoena includes any book, check, cancelled check, correspondence, communication, document, financial record, recording tape, or any other item which you own or in

Page Three

any way have in your custody or under your control or that of any agent of yours, dated, created on, or relating to any date since January 1, 1982.

For any questions regarding this subpoena, contact Mark Selnick at (202) 224-9960.

APPENDIX A

1. Any of the following persons:

Bermudez, Enrique	Lilac, Robert
Calero, Adolfo	McMahon, Steve
Calero, Mario	McFarlane, Robert
Cameron, Bruce	F. Andy Messing, Jr.
Conrad, Daniel L.	Montes, Oscar
Chamorro, Pedro	Nimrodi, Yaacov
Cooper, William J.	Nir, Amiram
Clines, Thomas	North, Oliver L.
Cruz, Arturo	Pointexter, John
Cruz, Arturo, Jr.	Quintero, Rafael
de Senarclens, Jean	Robelo, Alfonso
Dutton, Robert	Rohles, Rodolfo
Fischer, David	Rodriguez, Felix aka Max Gomez
Furmark, Roy	Rose, Jesse Bueso
Gadd, Richard	Sacasa, Marrio
Garnel, Jose	Sanchez, Aristides
Ghorbanifar, Manucher	Schwimmer, Adolph (Al)
Gomez, Francis	Secord, Richard V.
Hakim, Albert	Shackley, Theodore
Hashemi, Cyrus	Singlaub, John L.
Hull, John	Soghanalian, Sarkis
Kashoggi, Adnan	Sommeriba, Leonardo
Kimche, David	Wilson, Edwin
Ledeon, Michael	von Marbod, Erich.
Lilac, Robert	Zucker, Willard I.

2. Any person employed by, acting as an agent for, or representing:

U. S. Air Force
 Military Airlift Command
 Central Intelligence Agency
 National Security Council
 President's Intelligence Oversight Board
 Federal Aviation Administration
 Geneva Commercial Registry
 Military Reutilization and Material Supply Department,
 Portugal
 National Armaments Directorate, Portugal
~~Nugan-Mahd Bank~~, Australia
 Overseas Defense Corp.
 Department of Defense
 Lloyd's of London
 any agency, division, or department of the United States
 government with responsibility for foreign relations,
 for intelligence activities, or for manufacturing,
 storing, shipping, selling, transferring, monitoring,
 or accounting for any arms, munitions, or military
 personnel
 any agency, division, or department of the government of,

- 2 -

any instrumentality of, or any national of, or person located in Iran, Israel, Switzerland, Panama, Bermuda, Liberia, Lichtenstein, the Cayman Islands, Portugal, Denmark, Saudi Arabia, El Salvador, Costa Rica, Nicaragua, Honduras, or Guatemala

3. Any of the following entities, or any entity whose name is as listed, but followed by Inc., Corp., Corporation, Ltd., Co., Company, or SA., doing business in any location whatever:

ACE
 Airmach, Inc.
 Albon Values
 Alpha Services, S.A.
 Amalgamated Commercial Enterprises, Inc.
 American Marketing and Consulting, Inc.
 American National Management Corporation
 Baggett Transportation Company
 CSF
 CSF Investments Ltd.
 CSFR Inv. Ltd.
 Chester Co.
 Compagnie de Services Fiduciaires SA
 Corporate Air Services, Inc.
 Dataguard International
 Defex - Portugal
 Dolmy Business, Inc.
 EAST Inc.
 EATSCO
 Eagle Aviation Services and Transportation
 Egyptian American Transport Services, Inc.
 Energy Resources International
 Fifteenth of September League
 Gulf Marketing Consultants
 Hyde Park Holdings
 Hyde Park Square Corporation
 I. B. C.
 IDEA
 Intercontinental Technology
 International Research and Trade
 Kisan
 Lake Resources Corp.
 Lake Resources, Inc.
 Lilac Associates
 Maule Air, Inc.
 Missurasata
 NRAF Inc.
 National Defense Council Foundation
 National Liberation Army
 N. S. I.
 Nicaraguan Democratic Force (FDN)
 Nicaraguan Democratic Union
 Nicaraguan Development Council

- 3 -

Nicaraguan Freedom Fund, Inc.
Nicaraguan Revolutionary Armed Forces (FARM)
Project Democracy
Queen Shipping
R. M. Equipment Co.
Revolutionary Democratic Alliance (ARDE)
S & S Trading Corp.
SOME Aviation
Secord Associates
Southern Air Transport, Inc.
Southern Bloc Opposition (BOS)
Stanford Technology, Inc.
Stanford Technology Trading, Inc
Stanford Technology Trading Associates, Inc.
Systems Services International
Trans World Arms Inc.
Udall Corporation
Udall Research Corporation
Udall Resources, Inc., S.A.
United Nicaraguan Opposition (UNO)

~~SECRET~~

0059 187

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Corr, Edwin G.
4/30/87

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by D. Sirko, National Security Council

~~SECRET~~FORM 754
12-79STANDARD FORM 754 (4-81)
Prescribed by GSA, 5010-107
12-79

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DEPOSITION OF
EDWIN G. CORR

Thursday, April 30, 1987

United States Senate
Senate Select Committee on Secret
Military Assistance to Iran and
Nicaraguan Opposition
Washington, D.C.

Deposition of EDWIN G. CORR, called as a witness
by counsel for the Senate Select Committee commencing at the
Offices of the Select Committee, Room SH-901, Hart Senate
Office Building, Washington, D. C., the witness having been
duly sworn by JANE W. BEACH a Notary Public in and for the
District of Columbia, the proceedings being taken down by
Stenomask by JANE W. BEACH and transcribed under her
direction.

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2

APPEARANCES:

TERRY A. SMILJANICH, Esquire
Senate Select Committee
TIM TRAYLOR, Esquire
DIANE DORNAN, Esquire
House Select Committee
LINDA JACOBSON, Esquire
Legal Adviser's Office
United States Department of State
Washington, D.C.

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3

P R O C E E D I N G S

Whereupon,

EDWIN G. CORR

was called as a witness in the above-entitled matter and, having been first duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION ON BEHALF OF THE SENATE SELECT COMMITTEE
BY MR. SMILJANICH:

Q This is a deposition being taken by both the Senate Select Committee on secret transactions with Iran and the Nicaraguan Opposition and the House Committee on the same subject.

The purpose of the deposition will be to go through several matters in connection with the witness and matters he may have familiarity with in connection with his ambassadorship in El Salvador.

Why don't we start, Ambassador. Give us your full name.

A Edwin G. Corr, C-o-r-r.

Q You are Ambassador currently to El Salvador. Is that correct?

A That's correct.

Q And when did you start your tenure as Ambassador?

A I arrived there on August 26, 1985, and I presented my credentials a few days later.

Q And you are a career Foreign Service officer?

A That's correct.

Q Ambassador, when you, either shortly before or when you first arrived in El Salvador, you obviously had some discussions with the previous Ambassador, Thomas Pickering, to help prepare you for role as an ambassador. Is that correct?

Homestead A Yes, we got together both in Washington and at ~~Homestead~~ Air Force Base, where there was a Chiefs of Missions meeting.

Q Do you happen to know when that Chiefs of Missions meeting was in relation to when you started?

A I do not, but I think it was in July, but I cannot say that with certainty. I would have to go back and look it up. It was while I was still ambassador in Bolivia. I came up to do that as kind of a prelude briefing to going to Salvador.

Q In any of your discussions with Ambassador Pickering, did he discuss with you an individual by the name of ~~Elio Rodriguez~~?

A Yes.

Q Tell me what you can recall Ambassador Pickering telling you about this individual?

A As I recall, and ~~some of~~ it is difficult to know all that I learned from him, and what I may have learned

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4

subsequently, but, to the best of my recollection, he told me that Felix Rodriguez--and I can't remember whether he used the name Felix Rodriguez or Max Gomez; I believe he used the name Max Gomez--I am not certain whether it was then or later I learned that the man actually had two names, and that his real name was Felix Rodriguez.

But I believed for some time--and therefore beginning then, I believed his name to be Max Gomez, and that he was working [redacted] that he was not being paid by the United States Government; that he was not being paid by the Salvadoran Government, at least to our knowledge, in any way; and that he was a man who was a retired U.S. Government employee.

I believe, but I am not certain of this, that I was kind of under the impression initially--and I don't know whether I got it from Tom or elsewhere--that he was retired military, but I subsequently learned, or either learned at that time, that he was a retired CIA employee.

He had a huge amount of experience. I later learned that he had even more experience. But I learned particularly at that time that he had experience in Vietnam, particularly with a type of operation which in Vietnam was called the concept, which in Salvador is called the [redacted] or the [redacted] concept.

[redacted] and that Felix had been very successful and was successful in helping to introduce this concept to Salvadorans for use against Salvadoran guerrillas; that a great deal of success was being gained and had been gained by [redacted] that work of his.

Q Did Ambassador Pickering, to your recollection, tell you that Max Gomez or Felix Rodriguez had any close connections with the Vice President's office?

A I'm not certain of that. I might be able to tell you if I were to dig out the notebook that I took notes while Tom was briefing me about a whole host of things on San El Salvador. I believe that I still have that notebook.

I do not know whether Tom told me that, or whether I learned that later, but I did come to know that he had close connections with the Vice President's office, and I could not say whether I learned that first from Tom, or learned that later.

Q Can you at least tell us whether it was very long into your tenureship as Ambassador when you learned that there was a close connection with the Vice President's office?

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*that I should**in Vietnam;*

5

A I knew it prior to November of 1985. I believe it was in November of '85 when I had a telephone conversation while ~~here~~ in Washington with Don Gregg. I was asked to call him, and I did call him, and Don told me that he had served with Felix in Vietnam, that Felix was a tremendous person, that he was a real hero, that he was a real committed American; that he had done a great job there, that he was fearless; and that ~~to know knowledge~~ he had done a great job in Salvador, in ~~trying to help on this~~. And it was kind of just like a good recommendation.

that I am also practically 100 percent certain ~~to believe~~ there was no mention of I'm just sure--in that telephone conversation of any relationship that Felix might have beyond working with the Salvadoran Air Force against Salvadoran guerrillas.

Q What was the purpose of Mr. Gregg's call that you could tell, just beyond telling you, vouching for Mr. Rodriguez? Did he want you to do anything with Mr. Rodriguez?

A I think what he wanted, ~~because~~ when I first went to Salvador, perhaps this is kind of an individual idiosyncrasy, or perhaps it is what one learns through many years of foreign service, ~~is that~~ I was a little wary of Mr. Rodriguez. Maybe it shows a lack of idealism on my part--I hope not--but many times the kind of people who go around the world without pay to get involved in combat, or to be near combat, not necessarily to be involved in it, ~~are just people~~. One of the biggest problems you can have in Central America is for some "soldier of fortune" to show up who wants to take out some very expensive aircraft that the United States Government has provided to a country, and crack it up.

So either through experience, or through kind of a--

MS. JACOBSON: Excuse me.

MR. SMILJANICH: I was going to let him finish his answer. For the record, this is--

MS. DORNAN: Diane Dornan.

MR. SMILJANICH: --Diane Dornan. She is with the House Select Committee.

THE WITNESS: Hi, Diane.

MR. SMILJANICH: This is Ambassador Corr. This is Linda Jacobson.

MS. JACOBSON: Excuse me for interrupting.

MR. SMILJANICH: Also, while we are interrupted here, one thing I forgot to state at the beginning of this deposition is that I have asked for the classification level of this deposition to be Secret, thinking that probably that is about as high as we will ever probably need to go in any matters you might discuss.

THE WITNESS: If I reach a point I think it should

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6

go higher, I will tell you.

MR. SMILJANICH: Fine. Keep in mind that we are at the Secret level, but that if you need to go higher, say so, because I believe--you know, I want to keep it as low a classification as possible, but we can go higher because I believe everybody here is cleared, including the court reporter.

THE WITNESS: I don't envision it being necessary, but I assure you that if I reached a point where I thought it was, I would make that clear.

BY MR. SMILJANICH: [Resuming]

Q Okay, great. Do you remember where you were?

A I was saying that for various reasons I had a certain wariness about dealing with Felix, or Max, and I think that probably might have been conveyed by Max to Don, or something like that. Anyway, Don asked when I was up for consultations to give him a call, and I gave him a call, and he said, "Hey, look, this guy is okay. He has done a great job, and he is contributing to the effort that you are involved in down there."

Q How can you place this call as approximately in November of 1985?

A How can I place it?

Q Yes. What is it about the conversation that you can put the date on it? Have you looked at something?

have A Yes, because as I stated in one of the several messages I had to send up here, I had some personal notes. I very often, not always but very often, when I am talking on the phone make some notes, and throw them into a folder. Sometimes I throw them in a folder, and sometimes I don't.

on that call And that one, I had actually, I think I probably wrote anyway I've got some notes [from that phone call]

Q Okay, fine. Great.

A That were made at the time, or either immediately thereafter.

Q And it would help if you have done so, but have you recently gone through your notes?

A ~~At~~ Early this morning. ~~As~~ I was telling Linda, that I realize what we are doing here is of extremely great importance to our country, and ~~to the relationships that we have, but~~ it may seem strange to those of you who are so deeply involved in it, but my own priorities ~~in~~ work in El Salvador are such that, whereas this may have been your mainstream activity, it has not been mine. ~~and~~ I have not had time to go back ~~even yet~~ and look at everything.

We have searched our files, as we were requested to do, and any folders or ~~anything~~, but I myself personally have not had time to ~~really try to~~ review everything. ~~that I can in terms of this~~ I started making a chronology this morning ~~in my own mind~~ and only got about halfway through.

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7

before I got here.

So I just say that, not to diminish in any way your work, but to try to help you understand my work. But I have people who are being killed down there. I have other things that I am involved in, and it is about 24 hours a day.

Q Let me make a--I am glad you made that comment, and let me respond. First of all, I fully appreciate the fact that El Salvador is certainly not what one would call a quiet post. There are a lot of things going on down there, including the fact that an American military man was just killed in the past month.

I fully appreciate that, and realize that what we are dealing with here is somewhat peripheral to your main mission in El Salvador.

Understanding that, as you stated these are very important matters that have gotten the attention of a lot of people, and we certainly need to go through it and try to concentrate on this for right now, and get your best recollection and information about these matters.

A That is what I am trying to do.

Q Okay. Back to your initial conversations with Ambassador Pickering. Do you recall him telling you in any way that Mr. Rodriguez had any kind of relationship or role with the FDN, the Nicaraguan Resistance?

A I do not. Let me just say one other thing. I fully intend--and I am sorry I did not pull it out, and I did pull some things out of my files. I will try to look at the notes that I made. I may be remiss in not having done so. To the very best of my recollection, I do not have any knowledge at all of his having told me that at all.

Q Maybe I should remind myself to say this at the end of the deposition, but let me just say now that if after we have gone through this deposition, if you go back and--and I would like to continue to go through your notes and do what you were doing--and if you come across anything that you feel has refreshed your memory, or you were a little incorrect about something and now you see a note that reminds you of something else, certainly we can work something out where you could come back at some time under a convenient arrangement and go back on the record.

A Or maybe you will come down.

Q Yes, maybe we will come down; right.

Okay. What did you tell Mr. Gregg. What was your response to him after he vouched for Mr. Rodriguez?

A "I said, 'fine, you know, glad to have your opinions on them.'"

Q Can you put a time period as to when you first became aware that Mr. Rodriguez's role in El Salvador, and particularly [redacted] went beyond simply dealing with the Salvadoran air force, and included activity in connection

To look at notes I made while talking with Ambassador Pickering

with Tom.

Tom did not mention any association of Felt with the FDN or the Nicaraguan Resistance.

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8

with the Nicaraguan Resistance Fighters?

A I think it would have had to have been--I was trying to figure that out early this morning. As I said to you all before, there is a little bit of fuzziness in knowing what one may have read later and what one knew at the time.

But, I think it must have been early in the year in '86, or at the end of the year. Maybe it's better at the end of the year in '85. But at that time, any kind of--it was at the end of the year, yes, in '85--any kind of relationship

the Resistance was as ~~he was kind of in a sense like~~

I was trying to look at that this morning early, ~~and~~ I was trying to figure that out, myself. I guess it must have been late '85 or something to figure it

in which Foley was So, in a sense, there was certainly, a relationship ~~there with~~ talking about the FDN, and so forth.

Q In connection with that December meeting--

A And anyway, I would say late '85.

Q In connection with that meeting in late December, who were the participants in this meeting?

A As I said, I was trying to go over some things this morning.

Pg 9

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X I don't recall anything about that.

Q Now with regard to the southern front--

A There may have been discussions someplace else, but I don't recall there being any discussion with me about that.

Q I am just asking you about anything you can tell us.

With regard to the southern front, any activities down in the southern border or Nicaragua [redacted] or otherwise, was there any discussion in any of your meetings in late 1985 going into early 1986 with Oliver North or anyone concerning the construction of an air strip [redacted] that would serve a function for resupply [redacted]

Supplies were A No. I think that certainly there may have been awareness that there was an air strip, or that sometimes ~~something was coming or working~~ [redacted] but I recall no conversation about construction of an air strip. ✓

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11

Q Did you at some point before it became a matter of public record, did you at some point know that there was an air strip that was being used for resupply matters [redacted] ^{as but}

A I think I'm not certain what the answer to that is. It seems to me that I must have. I don't know when I became aware of that. ~~(Because I think that I'm not really sure of the answer to that question.)~~ At some point I remember seeing on videos pictures on the news of people going in and taking photographs and it running on the news, that air strip, but I'm just not certain of that.

Q Describe for us your working relationship with your MIL Group Commander, Colonel Steele.

A Well, I think Colonel Steele is one of the finest military officers I have worked with. He did a tremendous job in achieving his goals and objectives in El Salvador, which were to oversee and manage the military assistance program, and the advisers that were there, and to help improve the capacity of the Salvadoran ~~air force~~ ^{armed forces}.

I had tremendous respect for him. It was a close relationship. In terms of the kinds of things that you're most interested in here in this Select Committee, ~~is that I asked him, as we became more aware of activities, and so I told him, that he keep me informed, but that I had several meetings in the Embassy in which I made very clear that we had to be within the law; and that we had a bit of a problem in that, whereas we had a responsibility to know what was going on in the country, and you can't know everything that's going on in the country, but we know those things that might bear upon the accomplishment of our mission.~~ ^{to}

That we needed to be aware, and at the same time we could not become overly involved with anyone to know what was coming off, that we had to be very careful. And I used the words a number of times that we could not in any way be directing or administering anything that was going on, nor could we provide any kind of materiel support to what was going on. ^(we)

Q Did you ever tell Colonel Steele that you didn't want some things he would be finding out by his mere presence to be passed on to you

A I told him that I certainly didn't want to know everything; that I wanted him to make a judgment as to what I needed to know. And this is very common in many things that you do in any place, I assume, but certainly in the Foreign Service, ~~that I didn't want a full scope of his activities, as he related to them, that~~

and if there was something significant I wanted to be informed of it.

That his information, in terms of in specificity

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12

is certain.

certainly transcended mine. But, I ~~also~~ had enough confidence in him as an officer ~~that~~ he would inform me of anything I needed to be informed of.

Q Was there, however, any category of information that would come his way that you specifically said you did not have a need to know and didn't want to know? Do you recall anything like that?

A If I didn't say that explicitly, I probably bordered on it. I mean, I can remember making the statement that ~~we know~~ it was essential that we know what we had to know and not know more than we needed to know.

Q Did you ever go to Washington for consultations in connection with what role you and your staff were supposed to play with regard to the humanitarian assistance program?

A I don't know as I ever went to Washington specifically or solely for that. I had several meetings in Washington. I come up for consultation a lot. The very nature of the job requires that.

And certainly while on consultation, in some meetings, ~~as in some meetings~~ particularly of the RIG, I think that that question came in some meetings that were held in the Department. ~~The matter was discussed.~~

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Pg 13-14

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15

I Well, I am just saying that that touches, maybe it, but anything beyond that I have no knowledge of *and I am not*

Q Fair enough.

A Is there some more of this coffee around here?
[Brief recess.]

Q Between December and May--between December 1985 and May 1986 there were--

A I didn't get that far *in my review this morning,* ✓

Q It may get a little bit fuzzier here.
[Laughter.]

Between those days, there were approximately--I'm going to start off with a factual statement, and then ask you about it--there were approximately five flights by Southern airplanes of B-707 *carrying* carrying munitions for the use of the Nicaraguan Freedom Fighters.

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16

What awareness did you have of that specific activity?

A Of ~~the~~ Southern Air Transport flight, ^{bringing in munitions for the Contras} I guess until it all came out I had no real knowledge, ~~or even~~ and I didn't take time to speculate ~~on it~~ that Southern Air Transport was bringing in munitions. I don't believe that I knew that, anyway.

Southern Air Transport ~~was~~ sometimes contracted by the Department of Defense for the delivery of ~~WAR items~~

[Laughter.]

Q But specifically the 707s coming carrying ~~missile~~ explosives and other lethal aid these were matters that you were not being apprised

A That's right.

Q You had no knowledge of those at the time?

A I feel certain I did not. I was aware of some flights ~~that~~ it may show a great lacking on my part, but I mean I guess I never did. you know, I didn't say, "Hey, how is all this stuff getting in here?" But I thought the stuff was coming over primarily on caribous and things like that.

and similar old planes I had some prior awareness a couple of times when flights ~~that~~ but I did not have, to my recollection, any specific knowledge about planes bringing ~~stuff~~ in. It's logical that somebody had to bring it in. *war material*

Q What did you know about--you mentioned caribous. Let me ask you about caribous and C-123s, as far as these planes ~~that~~ in connection with Contra resupply. What awareness did you have of those particular planes, who was operating them, anything like that?

A I just knew that somebody was operating them, that

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17

it was a private group. And, I'm sure that you'll get to it on down the road. Part of the awareness was, and it was made known to me, was because [redacted] both directly and indirectly expressed to me his concerns about the quality of the *contra resupply* ~~these aircraft~~ [redacted] and so

forth his very great preoccupation that some of these planes shouldn't even be flying ~~for~~ the types of *missions* things they were trying to do.

Q Let's move on down the road. At some time you became aware, is it correct, that both [redacted] and Felix Rodriguez were somewhat unhappy with some of the private resupply efforts [redacted]

A Very much so.

Q Can you put a time frame on when you became aware that Felix Rodriguez was expressing some unhappiness about it?

recall the A You know, Felix, I'm going to try to see if I can *notes.* ~~put a~~ time frame. As I told you, I didn't get through all these things. But certainly whenever it was we had the meeting that was held in Don Gregg's office, that was--what was the date on that?

Q The August 12th meeting?

A August 12, I guess it was, yes.

Contra resupply operations Leading up to that time, in the couple months before, there was a great deal of concern by [redacted] about ~~these~~ and complaints about the equipment and the personnel. There was also some concern expressed by [redacted] that, should legislation be passed and things change, that the people who were flying these aircraft, or who had these aircraft, that they not take them away from the ~~contras~~.

[redacted] He felt that, as he would put it, ~~some~~ persons of good will and generosity had provided money to purchase this equipment for the contras, and that it should remain the property of the contras.

I think at one point the man said to me, they ought to take it all and sell it, but it's theirs, and the money should be theirs, and it should go to the effort of the contras.

Q You obviously discussed this directly with [redacted]

A Yes.

Q Can you put a time frame on that discussion relative to this August 12 meeting?

A Yes, prior to.

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the August 12 meeting.

18

Q How much prior to?

A Well, certainly say in the six weeks or the month leading up to it. I mean, it was pretty intensely stated by [redacted] and there had been some statements independently by Felix about his concern about some of the people who were involved in the operation.

[redacted] and these things would be passed either by Felix or to Steele, and he to me, or to Felix, and he to me. And I had lunch with [redacted] specifically to talk about these matters.

MS. JACOBSON: Excuse me.

[Ms. Jacobson confers with the witness.]

THE WITNESS: Perhaps it would be good for people who don't understand fully how American Embassies are viewed in the Third World, particularly in Latin America, and I have 26 years of Foreign Service experience, all of it overseas, in the Third World.

BY MR. SMILJANICH: [Resuming]

Q I would assure you I don't.

A I have often said that if the United States had all the power that it was so frequently alleged or perceived to have, that certainly things would work a whole lot better in the countries where I have served.

[redacted] but if there is something going on there, he turns to me, see that.

BY MR. SMILJANICH: [Resuming]

Q You would expect him to come to you with something like that.

A Yes.

Q Okay. With regard to Felix Rodriguez prior to

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to someone

19

this meeting of August 12, 1986, did he discuss with you directly his concerns about some of the people, I think is the way you put it.

A I'm not certain of the date here. I'm not certain that the concerns that he expressed to me about some of the people was as close to this meeting, or even if it was before the meeting. But at least on two occasions Felix expressed to me very, very grave concerns about people that he saw working in the private organization that was supplying the contras, and he was very upset on both occasions.

One of them had to do with a mechanic working on the aircraft who was, I guess, a mechanic of the EDN or the UNO, whom he either knew some other way, or bragged, or told him *Felix* or something that he had previously worked as a mechanic on drug trafficker's planes.

Felix, who is also a very strong supporter of the Democratic Resistance and very anti-Sandinista, felt that that kind of people being present in the operation could cause problems for the operation. So he was very upset about that.

He was very upset on another occasion--and you can probably tell me the name of this man, and I should be able to tell you because it has been given to me before--but he *Felix* came to see me about another Cuban-American with whom he had worked many years ago, I don't know, 15 years or so, or something, 15 to 17 years ago, and that this man had a very bad reputation, and that this man had talked to him, Felix was very greatly offended because this man had talked about an assassination. I don't know of whom. I don't know more than that, other than that the subject had been, somehow or other, to approach Felix about an assassination, and Felix had become furious and said that he was a soldier, that he was not a criminal. He was not an assassin. He didn't do those kinds of things, and he was very upset about that.

So on two different occasions I talked with Felix where he expressed concern about some people involved in the private operation, which he felt were undesirable people, or who because of their past, could cause harm to what they were trying to achieve *in support of the Democratic Resistance*.

Q Did he put a name on this individual and you have forgotten it?

A He definitely put a name on *the person* ~~her~~ In a conversation like that with Felix, he may have mentioned several names, so I'm not willing to say what that name was. It's a name that's been in the newspapers, but I don't know with certainty.

Q Based on--

A And I'm not willing, because I don't want to name somebody of having *to give the name,* done that unless I am absolutely certain that that was the person. It's not because I'm trying to obscure anything.

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discussed an assassination

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20

Q I understand. But does the name Rafael Quintero, or Chi Chi Quintero, mean anything? Can you associate that with the Cuban-American he was talking about?

A I can, but I do not want to do it 100 percent.

Q I understand.

A I mean, I just don't want to because I'm not absolutely certain; but I think that probably was the name.

Q Okay, that's fair. I understand what you're saying.

A But I would not want to point the finger at somebody for having done something as despicable as that, unless I was absolutely certain.

Q And I'm not asking you to, or suggesting that that's what you're doing.

A But I think that was the name.

Q Did Felix Rodriguez ever talk to you about any of the other people that this Cuban-American associated with?

A In that conversation we had, he did. He mentioned several other names. And on this, I can tell you very surely, my mind is, I do not remember those names. That was not a meeting after which I jotted some things down, and I cannot tell you what those other names were. But he mentioned several people in connection with his concerns.

He was very upset about several people, and this is the
 A was the prime example.

Q Okay. Did you take any notes of these conversations you had with Felix?

A Not--no. I don't think I ever made any notes of conversations with Felix. I'm almost sure I didn't. I may have mentioned him in a note sometime, but not based on any conversation between the two of us.

Q Now I want you to--on the one hand, I don't want you to guess; on the other hand, it doesn't need to be engraved in stone, either--can you put your best estimate of when it was that Felix brought his concerns to you, or at least mentioned to you these people that he had a concern about? Can you put any kind of a time frame on it? Any relation to this August 1986 meeting where this was brought up?

A I honestly can't. I know there were two different times in which he talked about people, and I'm sure that I feel confident that the one on the mechanic was before. I really cannot tell you whether the other was before or after.

but believe it was before.

I'm sorry, I just can't. And I don't know anything that I could look at that would jog my memory on that.

Q Can you tell us, for example, that it wasn't months before the August meeting?

A It wasn't months before, that's for certain. My recollection of it is, you know, I got there in August, 1985. Really, things were really at 185 and several months went

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the August 12 meeting

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21

by. It was late '85, moving into November, that period, before--November-December really before this kind of thing. Then all of a sudden, there seemed to be some movement that I was aware of.

So, I mean there was kind of a period there. Because when I first came in, you know, I had this conversation with Tom in which Felix had been mentioned, and one reason I didn't pay him any attention is because I was busy. I didn't have any reason to go "pal-around" with Felix. I had other things to do.

But then as I became aware of some things, then it became important to use Felix--not to "use" him in a bad sense, but as a source of information to the degree that it was necessary.

Q What privileges did Felix Rodriguez have in and about the Embassy or its facilities in El Salvador?

A Felix had several privileges. There was a point at which Felix was threatened, or we felt that he was in danger, and I would remind you that we have had a number of Americans who work for the U.S. Government, or are associated with the Embassy, who have been killed in El Salvador.

Felix was given a radio at one point so that if in going from the airport to where he was lodged or something else if he had a problem, and at times I guess he didn't have a telephone, I'm not certain whether he did or not. But, anyway, we gave him a radio at one point, and Colonel Steele told me about that, because of his personal safety.

Location,
he could
communicate
with the
Embassy security
forces

There was a brief period where he was given a vehicle that was an armored vehicle. No one has asked me about this one, but there was a period of time in which this vehicle was up for sale to be sold as excess property. During the period while it was waiting to be sold, he was given that vehicle to drive, because we were concerned about the guerrillas trying to kill him, because they knew that he had done a very effective job against them.

He also had a commissary pass, to come in and out of the Embassy and to use the commissary. To my knowledge,

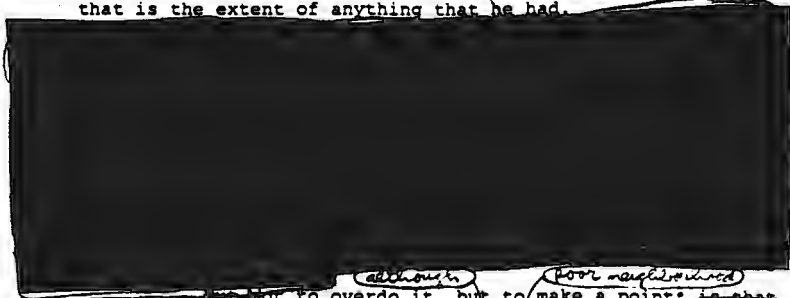
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those who want to be considered important want to have a

22

that is the extent of anything that he had.



Felix

but not to overdo it, but to make a point; ~~is that~~ if we had an American nun working in a ~~Poz-Vedea~~ ^{poor neighborhood}, and she was threatened, we would give her a radio, too, ~~because we have a~~ responsibility to American citizens, ~~and there is certainly~~ some limit to what the taxpayer bears in there. But we have the responsibility to try to protect American citizens overseas, no matter who they are.

Q I won't ask you the question that Tom Polgar asked you in El Salvador when you brought up that example.

Off the record.

[Discussion off the record.]

BY MR. SMILJANICH: [Resuming]

Q Now leading up to this meeting in Don Gregg's office, and the date of it was August 12, 1986, first of all tell us what you can recall about how you first heard about the meeting, whether you called the meeting, whether you were--tell us how you happened to be in Washington at that meeting.

A Well, I repeat again, you know, it's kind of the single-factor fallacy of causation of Mr. Huxley, ~~but~~ I never come to Washington for a single purpose. I have all kinds of things going on.

I talked about that meeting before, I had a conversation with Jim Michael on the telephone. I expressed some of the concerns. I had actually called, I think, to talk to either Bill Walker or Elliot, and, as is not unusual, they were out doing something else, and I talked with Jim, and I told him about some of the concerns that I had that derived from these expressions of worry by ~~and then directly by~~ and Felix ~~about the equipment, about the personnel,~~ ^{I came.} concerns that too much money might have been paid for some of the equipment. ~~Just an expression that they weren't getting their full value of what people contributed to it for its support.~~

Also, some concern about what was going to happen

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from

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23

to that equipment as ~~that~~ ^{the private} program closed down and legislation might allow a U.S. Government program in support of the contras. ✓

Now I don't know whether I caused the meeting to be called, but I said that that was one of the things that I was going to want to discuss when I came up on consultations.

Then the meeting was held, either called by or held in, Don Gregg's office.

Q Okay, so--

A There may have been other things that were causing that meeting to be held.

Q But let me see if I understand. First of all, you were not "called" to Washington to attend this meeting?

A No, I was coming to Washington to discuss a number of things, and that was one of the things I was coming to Washington for.

Q Secondly, you didn't, as far as you could tell, this meeting wasn't held because you said, "I want to have a meeting with Don Gregg, and I want to discuss these concerns with ~~_____~~ and Felix Rodriguez"? Is that your best recollection?

A My best recollection is that I wanted to have a meeting with the RIG, which ~~was~~ was kind of the forum for that, and it turned out the meeting was held in Don's office. ✓

I've got a gap there as to, you know, as to why the meeting took place there.

Also, part of that meeting was, I guess, about Felix himself as a person, and in some ways, although the time sequence isn't quite right here, but there was always a great deal of concern by certain people in the CIA about Felix. I mean, nobody working in intelligence wants some ~~kind of~~ guy out there who seems to be doing things that might be similar to what they do that aren't under their control, ~~that don't work for them and things like that.~~ But

I don't remember exactly, but I remember one of the things I intended to do and did do at the meeting which ~~is~~ ^{was} that took place in Don Gregg's office, ~~but~~ ^{and} I was going to express these concerns off ~~_____~~ / so I also put in a plug for Felix, because I ~~knew~~ ^{was} ~~an~~ ^{was} a 180 on Felix.

When I first got down there, I was very wary of Felix and, rightly or wrongly, he gained my confidence and admiration.

Q I'm not suggesting it is wrongly.

A No, but I'm just saying that. I'll be very clear on that, and that's where I still am with Felix, unless somebody shows me something that would change that view.

Q Right. Did you in any way tell, or try to imply to either Jim Michael or anyone else at the Interamerican Affairs Bureau, that in fact you didn't really know Felix Rodriguez and you wanted to find out more about him, and who

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normally
was to speak
w/ Felix.

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in the first few months after my arrival, Felix

to El Salvador.

24

he was, and what he was up to?

I might have if

A Not at that time; not at all. ~~Not~~ we go way back to when I first got there, and this would be you know, ~~kind of~~ the watershed or that was the November telephone conversation with Don Gregg, which up to that time Felix has an ~~ego~~ ego. You know, he probably felt that he wasn't getting his due for something, but I just didn't have time for it during that period. Felix not on my staff.

First of all, he was some guy who was ~~describing~~ he wasn't mine, maybe a little bit of the attitude describing here earlier. I really wasn't all that keen on the idea that somebody was down there doing things. Ambassadors get nervous when things are not under their control and they that can affect their bilateral relationship, and that means they are nervous a lot of the time, because most of them you cannot control many things.

But by that time, I do not think that was-- ~~what Felix was doing was~~ ~~in El Salvador~~ ~~area that~~ ~~with it~~ ~~el died~~ ~~not~~ ~~center~~ would have had to have been an earlier conversation, it might express that.

Q Now Felix--

A In fact, by that time, ~~as I said~~ ~~and as I said~~ ~~here earlier~~, I was a ~~little bit of a~~ defender of Felix rather than someone who was placing questions about him, by that time; whereas earlier, I had been a questioner.

MS. JACOBSON: Did you want to take a break?

THE WITNESS: No, unless you think I should take it.

MS. JACOBSON: No.

MR. SMILJANICH: We are not going to be here all day or anything.

BY MR. SMILJANICH: [Resuming]

Q Was there any--oh, I know what I wanted to ask. Certainly Felix was proud of the fact that he knew Don Gregg and had a connection with the Vice President's office. He made no secret about that. Isn't that correct?

A And he was proud of the fact that he knew me.

Q Right. Were you concerned at all, leading up to this meeting, about anything Felix was telling people in El Salvador about his connections with the Vice President's office?

A Well, I don't think so, because I didn't have any reason--I mean, certainly to my knowledge, or my knowledge now, the Vice President's office wasn't doing something it shouldn't be doing.

I think, and I wouldn't like for Felix to read this later or something, but I mean what I'm saying here is that Felix is a person who liked to mention other people's names. It's a very common trait among all people.

NOT ACCEPTED

from me
in terms of
recognition for
what he had
achieved in El
Salvador.

I'm guilty

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25

I wanted with Felix

told So there were times when, you know--and I repeat, I like Felix--but there were times when maybe I would just have soon his having told Jim Steele something, and then Jim tell me very briefly, but that I knew in order to maintain the kind of relationship, Felix would say he wanted to come and see me, and I would let him come and see me. I also knew that was partly because then he could say to [redacted] that [redacted] I was talking with the Ambassador. That's a game that people play. *do not*

But I did not have any concern--I mean, it was something that I was aware of, and something that I think is the greatest human attribute, to go around speaking about powerful people and associate yourself with them, but it was not a worrisome thing, other than that.

Q William Walker attended this meeting with you. Is that correct?

A Yes.

Q How did his participation come up?

A As I recall, Bill was pretty silent throughout the whole meeting.

Q My question is, how did he come to be a person to attend the meeting? Did you ask him to come?

made up of A I may have asked him to come. As I recall that meeting, it was kind of like the RIG meeting, where the people who had met previously, which usually were made up of people who talked about Central America in general, not necessarily just the contras, but there would be somebody from the Agency, normally [redacted]. There would be somebody from the NSC, and that would normally be Ollie, or sometimes it would be Earl. Sometimes it would be Ray Burghardt who would participate, and sometimes not. It would be somebody coming over from the DoD. It was the RIG. *I* I'm sure they've got a list of who the members are.

Q Okay. When you went to this meeting of August 12, 1986, first of all was it in Mr. Gregg's office?

A Yes.

Q Whom do you recall specifically being present at the meeting?

all was A Well, I was trying to work on that. I was trying to figure that out again this morning. I think who was present--I wrote that down here--was Burghardt, Earl, Walker, Corr, Watson, Gregg, Gregg, Walker, [redacted] Earl, Burghardt, Watson, Steele, and me. I think that is who was at the meeting.

Q Okay. Had you--

A I know there was a room-full.

Q Had you talked with Colonel North prior, in your trip to Washington prior to this meeting?

A I'm not certain. I talked with Ollie several times. When I came up, I usually saw Ollie. I either saw

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UNCLASSIFIED

26

him separately or in this RIG group, or sometimes both. And I really do not know whether I talked with him before or after, but I am almost certain I talked with him on that trip.

Q I guess my question is, he wasn't--

A You know, wait a minute. Excuse me. I may not have talked with him, because I think Earl attended that meeting because Ollie was not there.

Q Okay.

A So I'm not certain. But normally when I have come up on consultations, until this whole thing became a public issue, I would see Ollie, either over in his office or as part of a meeting, or both in his office and as part of a larger meeting. But that time I may not have, because the very fact that Earl attended that meeting; he ^{may} have been out of the country.

Q But you don't have a specific recollection of discussing the topic of this meeting, or the meeting itself with North prior to the meeting? I understand you're not saying you didn't have one, I'm just asking if you--

A No, no. I don't, but it would not--certainly it would be natural that I would have talked with him about it, about [REDACTED] being concerned.

Q Now at the meeting, what was the purpose of the meeting?

A Well, the purpose of the meeting was just kind of to get some things out on the table. I suppose part of the purpose of the meeting was that, like for instance that [REDACTED] was there, to express in that meeting the concerns of [REDACTED] that this equipment not be lost to the contra cause, or at least the money from the equipment (that he didn't consider to be adequate) not be lost to the contra cause, and some real concern about those private organizations that were using that equipment. From my point of view, that was part of ~~the purpose of the meeting~~.

Another one was to put in a bit of a plug for Felix. In that respect, I knew that that the Agency, at least if you go back to say [REDACTED], there were people in the Agency that weren't all that enchanted with Felix. Kind of my view at the time was that he could continue to be very useful; that he had not been on our payroll; he had not been under our instructions or anything; but that [REDACTED] and I saw that as useful.

Q Did you have the impression, though, that the purpose of the meeting was to flow information to Don Gregg, or for Don Gregg to flow information to you all?

A I would say it was more of a meeting for people to exchange information, for Don to listen to it, and I didn't feel information going from me to Don.

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only

for people like
[REDACTED] who
were present in

the sale of the
equipment

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27

Q Do you have any recollection of Don Gregg saying in any way that he had just met with Felix Rodriguez in the past several days?

A I don't recall that, but it wouldn't surprise me, because Felix went to Washington on two or three occasions that I was aware of.

Q But did Don Gregg, do you recall him contributing information to the group discussion that he got from Felix, or basically receiving this information from you all?

A I think he may have talked with--I just don't know that. I don't know the answer to that. ~~I don't know the answer to that.~~

Q Okay. Had anything just occurred within the past several weeks in El Salvador that may have prompted this meeting? Any event or incident?

A I don't think so. I don't think so, other than expressions of concern by [redacted] that I had conveyed to ARA front office.

Q Were you aware that [redacted]--that Felix Rodriguez--let me back up. Were you aware that just prior to this meeting, within the past couple of weeks, Felix Rodriguez had been threatened with air piracy charges by anybody?

A Yes. I mean, ~~if that isn't~~ ^{I had not been} making that chronological connection. I may be making it now. There was an incident in which Felix had been in Miami, or had been in Florida, I'm not certain where in Florida; I think it was Miami. And there had been some kind of a brouhaha over, I guess, an aircraft; with I don't know what aborted for the ~~reasons~~ that Felix had flown that aircraft, or had been a passenger on that aircraft. [redacted] that

the people up there had been very unhappy. That, I know occurred.

*Felix flying
the plane and
material
for delivery to the
Nicaraguan southern
front*

Q Well, let me ask you this: Do you recall that Felix Rodriguez had been threatened by some people with air piracy because of this flight.

A Yes.

Q But then [redacted] came to his rescue--

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28

A --defense, very much so.
 Q --by impounding the aircraft and not letting it leave [redacted]
 A Very much so, yes. I remember that.
 Q Do you remember who was on the other side of this controversy?
 A The private group.
 Q But you couldn't associate any name with that group?
 A No, I cannot; although I am sure some people can, but I can't.
 Q Do you know whether or not--and I am not asking you to guess--but do you know whether or not that incident had any connection with this meeting on August 12, 1986?
 A I don't believe so, other than to reinforce the views [redacted] that these people weren't people that he liked doing business with, and it may have intensified his complaints about the quality of aircraft, the quality of directional gear, the prices paid, some of the people involved.
 Q Can you say for certain whether or not that particular incident occurred before or after this meeting?
 A I can't, but it should be easy enough to ascertain.
 Q I'm just wondering if you can put it in a time frame.
 A No, I can't. I cannot. I mean, if you'll go back to where we were talking earlier, when you asked me about that, you were going to put it before the meeting, not me.
 Q I understand.
 A No, I cannot.
 Q That's what I was trying to get back and make sure I hadn't put that into your mind.
 A I cannot put it in chronological order.
 Q Okay.
 A I might add on that, there were a number of aircraft incidents. That was just one.
 Q We'll touch on a few of those as we go through this. Do you recall whether or not at this particular meeting during that time frame Felix Rodriguez was threatening to, or in fact said he was going to leave this private operation all together, private resupply operation?
 A Well, I'd have to really kind of define what you're saying, ~~these~~. There were points in which Felix was kind of volatile and points when he'd get very upset and he was very discouraged, but I don't think it's quite correct, in terms of my perception, to say that he was going to leave this private organization.
 Because, I repeat, I did not see Felix--and he may have been--but I did not see Felix as a member of this private organization.

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Felix and the organization,

from

is

group,

29

and it may be that he had some people who may have kind of supported him, but not ~~part of~~ this organization. They could have been part and parcel the same, but I always saw him as kind of vis-a-vis the organization.

So, I don't think it's correct to say he was going to leave the organization; but it might be, you know. ~~this~~ this thing is so screwed up, I'm just going to--

Q Let me reframe the question. I don't mean to imply that he was a member of an organization that he wanted to leave.

A Okay, I just wanted to be clear on that, as far as my perception of it.

Q Let me ask it in terms of disassociating himself from any connection, or involvement, or activity with this private resupply group of people that he obviously had some interaction with, whether he was a part of it or not.

A I think both he and ~~the~~ were in that mode, of separating themselves from this private resupply organization.

Q Okay. In terms of a time frame, though, can you tell us when it was that Felix ever indicated, or you had any information that Felix wanted to disassociate himself from any involvement with these people?

A Well, I'm sorry about not being able to be precise on the time frame. Like when he came to talk with me about the time that the fellow had made the approach to him, and assassination was mentioned, he was like 'I don't want anything to do with these people.' When he talked to me about the mechanic, less strongly than that other time, and certainly during the period when ~~the~~ and he both were expressing concerns about the quality of the equipment, what was going to happen to the equipment after it was no longer whether they were going to take this stuff off to Southeast Asia, when they felt, it had been contributed for the Contras something. And all those times, Felix at times was down and would feel like just throwing in the towel or something.

Q Had you ever had, prior to this August 12 meeting in 1986, had you ever had any other meeting with Don Gregg, or where Don Gregg was present, in which Felix Rodriguez and his happiness or unhappiness was discussed?

A I talked with Gregg on the telephone at least one time about Felix's unhappiness, and that must have been prior to this meeting. Because one of the points I was making at the meeting--I've said several times--is that Felix was an okay guy.

Q Beyond a telephone conversation, though, in an actual face-to-face meeting?

A I don't believe so.

Q Have you ever discussed that topic with the Vice President himself?

Felix and

though he was not as disturbed as when he told me about the approach to him in assassination.

also,

There were several occasions, for example,

his attitude

Felix expressed doubts about associating with the private organization

the private supply organization was

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*to see the Vice President
while Felix was meeting
with him.*

30

A No, absolutely not.

Q How many meetings have you attended directly with the Vice President?

A The one meeting, which certainly to this Committee might be of interest, was when I went down. I was over to see Ollie, and the Vice President at that time had in his office Felix Rodriguez, and I more or less just walked into the office, and Ollie said, "Hey, you want to go see the Vice President?" And I said, "sure."

And he said, "Felix is down there; why don't we just walk in and say, hi?" And I said, "Okay, I'll tell the president what--you know, I'll put in a word for Felix." I want into the office. It was what I call a "stand-up meeting." I got to the office. Felix was seated on a couch. There were several people in there. There was a lot of motion going on, staffers coming in and out, and it was very obvious to me, having been in a lot of meetings like this, that the Vice President had people stacked up outside and needed to get Felix out of the office.

Felix was showing him his pictures, which Felix always had pictures. So I helped get Felix out of the office, so to speak. I said, "Mr. Vice President, I just want to tell you that I am Ed Corr, I am the Ambassador down in El Salvador. This guy Felix is down there. I want to tell you he has done a great job in helping the Salvadoran forces to be able to fight the Salvadoran guerrillas." That was about it. Then I left, and we all moved out. That was one meeting.

The other meeting I had with the Vice President was when President Duarte came up, and he was present in a meeting with President Reagan, and it was a big meeting, and the meeting was really a Duarte-Reagan meeting, and we were both there.

And, I think I met with the Vice President when I was way back--no, I met with his--I may have gotten in to see the Vice President briefly on drugs when I was Ambassador in Bolivia. I think that is the limit of my meetings with the Vice President.

Q Let me go to that one meeting you described where Felix Rodriguez was there. If I understand what you're saying, it sounds as though, by coincidence, you happened to be in Ollie's office, and by coincidence the Vice President happened to be in with Felix--

A That's right.

Q --and Ollie said, hey, you want to go see the Vice President? Felix is in with him?

A That's right.

Q This was all basically, as far as you could tell, a fortuitous circumstance?

A Absolutely. Absolutely. I mean, it was a great

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*into the Vice President's Office to**two*

surprise to me; one, that ^{Felix} he was there; and two, ^{Ollie asking of} did I want to step in ~~and~~ say, hi. I ~~also~~ was being kind of critical perhaps of Felix earlier about people who kind of like to be around the powerful. I thought it would be neat to go up and see the Vice President, myself.

Q But Ollie didn't have an appointment to see the Vice President?

A No.

Q And you didn't know Felix was meeting with him at the time?

A No. I may have known Felix--I probably knew that Felix had gone up to Miami or Washington, but I did not know ~~that~~ I did not know it at all. I walked into the office, and Ollie called down to, I suppose, the Vice President's secretary or something, and we walked in and walked out.

Q Did Oliver North tell you why Felix was meeting with the Vice President?

A No. He was showing him his pictures.

Q Well, do you have any recollection of the fact, whether or not Felix was meeting with the Vice President for one purpose to tell him that he was going to be leaving El Salvador, he was not happy with the way things were going down there, and North asking you to go and put in a good word and see if the Vice President could talk him out of that?

A No, I don't have a recollection of that. I certainly have a recollection of going down, you know, and praising Felix, but I certainly have no recollection of being like put up to that.

Q Did you and Colonel North discuss in any way, shape, form or fashion any involvement that Felix Rodriguez had with the people connected with the private resupply of the contras?

A Yes, I think so.

Q First of all, that was a general question. Specifically, in connection with this time you went in with Ollie when the Vice President was there, did you and Oliver North discuss that topic prior to going in to see the Vice President?

A I don't recall that, but it would not be ~~certainly wouldn't be out of we'd talk about~~ ^{strange for us to talk about Felix,} first of all, you know, I was a Marine Corps officer. Ollie was a Marine. I liked Ollie. He was fun to be around. I said ~~in some ways~~ ^{I kind of saw him,} and this is not to deprecate him, but I saw him as kind of like a cheerleader, the guy who was keeping everybody. You know, just hang in here, and we're going to get the legislation, and we'll get into a new ballgame."

I would go in and see Ollie and shoot the breeze. We'd talk about Contadora; we'd talk about the war in Salvador, and we'd talk about ~~what~~ Felix; we'd certainly

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*he was meeting with the Vice President**in earlier interviews on this matter,**moral and political high for a country's success in keeping a Marxist-Leninist regime from consolidating in Nicaragua.*

UNCLASSIFIED

32

mention Felix. These were all things that were discussed. But I cannot make a link between my going into the Vice President's office and any conversation I might have had before it. I can't see any connection. I can't say there wasn't such a conversation, but certainly it had no significance to me.

Q And you don't recall telling the Vice President words to the effect, Mr. Vice President, I hope you can convince Mr. Rodriguez not to leave us in El Salvador, he is doing good work down there?

A I don't recall that. What I remember is going in, putting in a plug for Felix, and going out. Maybe being in the office three minutes.

Q Did Felix Rodriguez leave with you all?

A Kind of after. We came out, and it was really kind of a motion of getting people out of the office so the next people could come in.

Q I don't know if I've asked this, but can you put a time frame on that meeting with the Vice President?

A I should be able to go and look at when I was up for consultations that time. I got a telephone call at some point to my public affairs officer from Leslie Stahl where I think she put a time on it in May, and I, just actually this morning, because I was trying to go through some notes, saw that. But that was like--I haven't verified that, but at least I have a note where my PAO called me and said that he had gotten a telephone call from Leslie Stahl who wanted to ask about two meetings; ~~with one~~, ~~for~~ the meeting in Don Gregg's office; and the other when I supposedly had met with the Vice President with Felix Rodriguez in May.

Now I had written that down, but I didn't verify that it was May.

Q Could it have been May 1986?

A It could have been, yes. We should be able to find that out, I suppose. You should find it out someplace.

Q I think her information is accurate. I think it was in May.

A Okay.

Q Let me go back to the August 12--no, let me stay with that earlier meeting in the Vice President's office itself.

A The May meeting?

Q The May meeting, right.

Were you aware as early as May of 1986 that Felix Rodriguez was already unhappy with these groups of people that he later talked to you about?

A I think so. I mean, Felix was usually happy or unhappy about something, and it focused on those groups, and he was usually unhappy about them. I don't ~~recall~~ know where you are going.

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33

Q Well, where I'm going is this. If we look at a time line of when you first would have known Felix Rodriguez when you arrived in El Salvador in late summer of 1985, all the way through the August 12 meeting of August 1986 when you certainly were aware that Felix was very unhappy, and [REDACTED] was unhappy with some of these people, I'm trying to put where on this time line you would have first become aware that Felix Rodriguez did not like some of these people.

A Well, I think he didn't like some of those people almost from the time that they got there. I mean, I don't ever remember his being effusive in praise for "those people."

He was always kind of suspicious of them. He was always kind of, "these guys aren't doing it as well as it should be done; some of these people aren't very good people; this equipment isn't very good." I mean, that was a constant theme, I would say, from the time of humanitarian assistance on. ✓

MS. JACOBSON: I think we should take a five-minute break.

MR. SMILJANICH: Okay.

[Whereupon, a brief recess was taken.]

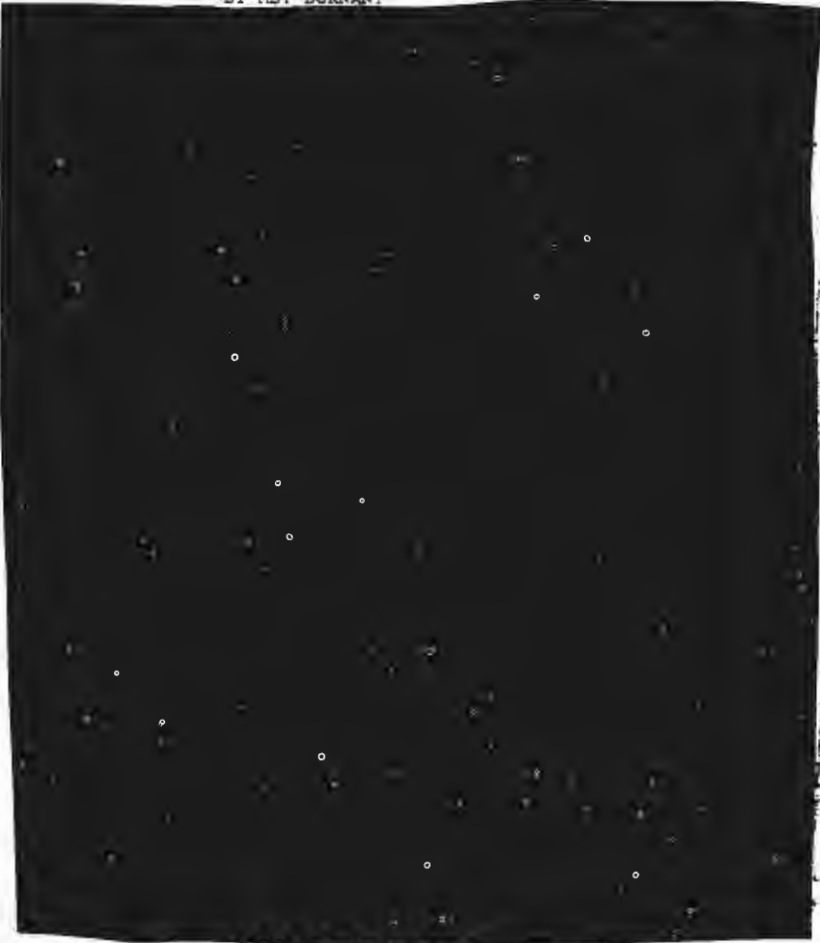
MR. SMILJANICH: We're back on the record. ✓

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34

EXAMINATION ON BEHALF OF HOUSE SELECT COMMITTEE
BY MS. DORNAN:



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36

With respect to Steele, did you have any sense of Steele's relations with Galvin? Did Galvin know everything he was doing?

A Jack was always ^{concerned} and he counseled Steele, and He and I talked about it. There were a number of times when I, ^{involved} that ~~on my staff~~ ^{to the people}, to a very small number of people on the staff, ~~engaged what~~ we had to ~~do~~ ^{in terms} of the law, and General Galvin also was very uneasy that Colonel Steele ~~as a military officer, who worked for me but, nevertheless, had a relationship to SOUTHCOM~~ ^{not get further involved or over-extended in these relationships that were inevitable, as these people were there on the base.}

Q That he not become over-extended in the nonmilitary type things, you mean?

A Right. That he not do anything that would be against the law. Jack made that clear. I made that clear. And Steele was very aware of it. Steele was not unaware of that.

Q Was Galvin a problem, as far as turf, ^{as far as} you were concerned? ^{have made}

A When I first arrived in Salvador, there was a ^{turf was a problem} certain sense in which and it wouldn't make any difference ^{or someone else} whether it was Galvin ^{government} ~~we have a cardinal principle in our~~ system of civilian dominance over military, and I have a mandate as Ambassador to make certain that all U.S. Government agencies and employees in El Salvador work together and report to me as one coherent program.

Now there are some places where if you have troops that are under a military command, or an exception has been made, then those aren't the ground rules; but in El Salvador, those are the ground rules.

And it is always kind of necessary as the Chief of Mission when you first arrive--that doesn't mean with a sledgehammer or anything--~~but~~ to establish clearly that you are going to be in charge.

So I went through that little period with Jack, and he is a professional also, and that was established. And I personally think that Jack Galvin is the ^{best thing south} ~~best thing south~~ that I've seen in 25 years of working in Latin America. But we went through our initial period of shakedown.

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37



Did you feel he always conducted himself pretty well?

A To my knowledge, he did.
I think the guidance certainly was to limit the contacts. I think there's a little bit of a distinction that needs to be drawn here. I mean, two Americans, I don't care

UNCLASSIFIED

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38

whether they're Republicans or Democrats or what they are, if you work in the same hanger together, or you go up to the same cafeteria to have coffee ~~together~~, the real thing that you limit is what you deal with.

But I mean, I didn't instruct people, you know, don't share a cup of coffee with some other American who is there, or something like that. ~~I mean~~. The instructions were ~~you know~~ you can watch and see what's going on. You cannot in any way be directing, administering, or providing any kind of material support.

But, you know, if they wanted to go off and play racket ball together, or something like that, they weren't limited. It might not be too wise to do it, ~~you know~~, but nevertheless there is an essential distinction I think that has to be made here.

MS. DORNAN: Do you want to take over?

MR. SMILJANICH: Thank you.

EXAMINATION ON BEHALF OF THE SENATE COMMITTEE--Resumed

BY MR. SMILJANICH: [Resuming]

Q Let me go back and finish up with this August 12, 1986, meeting in Don Gregg's office. You told us about Felix Rodriguez's concerns about some of the people involved. You specifically mentioned a mechanic who had allegedly once worked on drug planes.

A According to Felix.

Q According to Felix. You also mentioned, according to Felix, a Cuban-American that he used to know 15-or-so years ago that had once approached him about an assassination.

A Had talked to him about it.

Q Right. Were--

A The implication of that, and it may have been explicit, not implied, was this guy had come to him to talk about carrying out an assassination. You know, ~~he~~ was highly incensed, and he didn't like that at all.

Q Was that topic discussed in Don Gregg's office? By "that topic," I mean this concern about this particular individual.

A No--I don't believe ⁴⁰. But, I mean, generally there was ~~I mean~~. Here were the things that I expressed concern over, in that office, and these were concerns of ~~that~~

that I expressed in that meeting:

~~that~~ That these private people who had been running these supply efforts might just take the material that they had, which ~~was~~ felt had been supplied for the Democratic Resistance, and ~~take it off~~ someplace else instead of leaving it with the ~~Democratic Resistance~~.

[Ms. Jacobson confers with the witness.]

THE WITNESS: And, secondly, ~~was~~ concern of ~~about~~ about the quality of the equipment and personnel.

UNCLASSIFIED

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39

And mentioned in that meeting--and I understand you were asking me about it earlier, and I wrote this down even this morning--~~discussed in that meeting also was Felix's taking of~~ the C-123 plane of materiel from Miami. These are from my notes that I had.

And, fourth, was the belief that the Southern Front needed supplies. And, additionally, ~~that as I praised Felix's~~ useful role there in kind of serving as a liaison. Those are the things ~~there. I raised in the August 12 meeting.~~

Excuse me a second.

[The witness confers with Ms. Jacobson.]

THE WITNESS: I would say one thing. That is, that in [redacted] and Felix's ~~kind of~~ references to "they," this mysterious "they" we keep talking about, the [redacted] or the [redacted] ~~maybe the word is "group,"~~ was mentioned. I mean, in terms of identifying "these people" who might take this materiel and take it someplace else, or whom ~~he~~ felt might have purchased equipment that was not as good ~~as~~ as ~~he~~ felt it should have been, there ~~was~~ at least several references made to ~~the~~ the [redacted] or something like that.

BY MR. SMILJANICH: [Resuming]

Q By whom?

A I think ~~he~~--certainly as I was trying to ~~recall~~ the knowledge ~~of~~ ~~knowledge~~ had to have come either from Felix or from [redacted] in those conversations that we had, ~~because~~ I had lunch with [redacted] and so forth to discuss ~~the~~ before I came up to Washington, and ~~that was the way~~ these things that I have just told you that I expressed, came out of the ~~meetings~~ that I had with [redacted] at lunch.

My recollection is that ~~these~~ "they" or "these people" who might take this equipment, or something, ~~or these people~~ who might have bought this equipment, there was an association ~~with~~ ~~suggested by Felix of~~ [redacted]

Q Well, you have gone through the items that you have enumerated here of things that you specifically recall being discussed at the meeting. Not included in that list, I don't think, is a discussion about the personnel themselves, this group of people down there.

The question is whether or not you can tell me whether that was discussed or not.

A I cannot tell you that that was discussed, other than in general terms of uneasiness about the personnel.

Q Would you, if you can, go back to your knowledge back in August 1986, were you aware just from general newspapers, reports, or any source of information about a rather infamous case in the early '80s in the United States involving a man by the name of Edwin Wilson and Frank Turpel, and the provision of military equipment to Khadafi?

A I made no linkage at all of those people until

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finally,

they
they

with respect to

his concerns about
his private supply
effort for the
insurgent
Resistance

in the August 12
meeting

conversation

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40

Talking them
after everybody else started about these in the newspapers. If I go back to August, there was no linkage.

Q I'm not asking that at this point. I'm just trying to find out whether back then, if somebody had said, not that they're connected with this group, I'm not asking that, but if in August of 1986, if somebody would have said, oh, you remember that Wilson-Turpel thing involving Khadafi and Libya, is that something you would have said I've never heard of that? Or did you know about it?

A No, I would have said, hey, yeah, that was in the news or something. But beyond that, and even today, right now as I'm sitting at this table, I couldn't tell you in detail, or even generally. I just know that there was a problem there and this guy was doing things.

Q Here's the ultimate question. It's not--I assume it isn't often that you meet with the National Security Adviser to the Vice President. It's not something you do on a regular basis. Is that a fair statement?

A That's right.

Q If you had been present at a meeting with the National Security Adviser to the Vice President in which the National Security Adviser stated that there are a group of people involved in this contra resupply effort who are mixed up with the Wilson-Turpel gang, or the Wilson-Turpel group, and General Secord who used to be on the periphery of that matter is also involved with this private resupply, and we are very concerned about it, it seems to me, having said all that, it seems to me that that's not the kind of statements that you could now say, well, I don't remember whether that was said or not. You would either know it, or not know if that was said.

Can you tell me now that if that had been said, you would remember that having been said?

A I can't tell you that absolutely. No. I cannot tell you that absolutely. But I don't believe that was ever said. I feel pretty confident that that was never said in my presence, because of the reasons you're setting forth, that I would remember them. But I would not say that categorically.

Q Well, if it makes you any more comfortable, or if it helps at all, you're not the only one. I'm not suggesting that everyone there, Ambassador, remembers this, and you're the only one who doesn't. There were other people there--

A Are you talking about the August meeting?

Q I'm talking about the August meeting.

A Well, I can tell you I definitely do not remember a discussion of Wilson and Secord if it happened. I can't deny that it didn't happen, but I do not remember it. I can say that categorically. I cannot at this point recall in my mind a discussion about that in that meeting.

Q Fair enough. Okay.

UNCLASSIFIED

UNCLASSIFIED

41

A And maybe everybody else there does, but I don't, and I can't say that I did if I don't.

Q Okay. Now you, when you talked about concerns about the equipment, you had mentioned earlier something being said about too much money being paid for the equipment.

A Yes, that was one of these concerns.

Q Tell me what you can recall about that.

A I can't tell you much more about that, because it was just that statement. You know, too much money was being paid for this equipment. Evidently Felix ~~felt~~ knew somehow what had been paid for the equipment, and ~~he~~ wasn't worth anything, the price. *he felt the equipment*

Q But you had no idea who he was talking about that was paying for--that was selling this equipment, as opposed to paying for it?

A No.

Q Was he talking about the contras paying for the equipment?

A No, I mean, one of the things that, at least from where I sat, things that ~~came~~ or may have gone through ~~it was something that had been consummated and~~ transacted elsewhere. And at ~~the~~ or at ~~the~~ end, you ~~are~~ really down to materiel only.

I mean, if a plane came in there, there wasn't somebody ~~so far as I know, or knew, who was making a deal on that plane. All of a sudden, you know, somebody says there's a caribou there that's arrived. But that wasn't happening~~ I don't believe at all.

it was materiel.

I remember concentrating on that very much in the initial questions that came down for us to answer in writing, the stress in the language and the cables was on funding, on funding. ~~it was boots.~~

Q You stated earlier that one of the matters brought up was something to the effect that the people might take this equipment away from the contras now that this legislation, the \$100 million aid to the contras had been passed. Can you elaborate on that at all? Do you recall anything more being said about that?

A No, not any more than that. ~~had~~ reason to believe, ~~then~~, I guess based on his own conversations with these private groups, or someone representing him with the private groups, that these people might go off and go into business elsewhere ~~or something with~~ this equipment, and that it would not end up in the hands of the contras.

It was his continuous concern that the contra cause be enhanced.

Q Do you recall any discussion that whoever these people were who had this equipment wanted the Agency or the

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were there: whose purchases?

payment for materiel.

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discussion

42

CIA to purchase this equipment with the new aid?

A Yes, I remember that was part of the ~~thing~~, yes.

Q ~~_____~~ was present at the meeting. Do you recall what he said about that topic?

A I don't recall what he said, but if he said anything I know what he said. And that was ~~no~~, "no," I can't tell you. I know his position, either from talking with him, ~~at that meeting or elsewhere, or something, was~~ He felt that you needed to start with a clean slate and not get involved in something like ~~this~~. *The existing private supply effort*

Whether he said that at the meeting, I cannot be, again, certain.

Q Okay. Do you recall anything being said at this meeting about these people, whoever they were, wanting to be absorbed back into the CIA and become a part of the CIA again?

A Well, whether absorption ~~or different levels as you're talking about in the Agency, you're talking about almost any entity in the government, but yes, that was part of it; I mean, equipment, and at least some of the personnel, and so forth, some thought this advisable and others not.~~

Whether it was in that meeting or elsewhere, I'm quite certain that the Agency was not very enchanted with the idea, at least in the person of ~~_____~~

Q And these were all concerns that ~~_____~~ had. Isn't that correct?

A I don't think ~~_____~~ would have been-- you know, ~~_____~~ this is speculation--he might have been in favor of taking some of the people and some of the equipment, getting rid of the ones he thought were "dogs," and the people, selling off the equipment that he thought was not useful, but having that money staying with the contras. That was a concern of ~~_____~~

Q You mentioned some discussion about the fact that the Southern Front wasn't doing too well, and there were complaints about them needing some of these supplies. Do you recall, going back to different plane incidents, do you recall any incident in which a planned flight to drop equipment to the Southern Front Forces ended up ~~_____~~ Does that mean anything to you?

A Well, I mean more than one ended up ~~_____~~ I don't know if you're talking about, say, a flight that didn't originate ~~_____~~ and then ended up ~~_____~~ Or one that originated ~~_____~~ and came back?

Q No, I'm talking about a flight that would have originated in Miami, gone to ~~_____~~ and ended up ~~_____~~ because of problems. *I cannot be certain*

A You know, where any plane might have come from-- there were several--we mentioned earlier--there were several problems with airplanes. One of them that I had noted was

Row

of all persons and equipment, or some persons and equipment, or nothing into a CIA managed operation, if and when such USG participation became legal, was a question.

from the sales

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and the dispatchers of the plane on the other hand as to

have been

43

material ~~back in 1962 when a plane came in, and there was a question~~
 a plane came in to pick up some stuff ~~and there~~
 was a fuss between ~~and Felix on the one~~
 hand ~~and whether or not that plane could actually pick up~~
 some material ~~Because, as I say, they felt that~~
 that should be going to the Southern Front. ~~and I think they~~
 thought this plane was going to pick up stuff--I thought the
 plane had come ~~and it would end up in the~~
 Northern Front. That was one time.

There were these incidents we spoke of previously
 when ~~we were not on the~~ I was not under oath, ~~but~~ I
 mentioned to you about the plane that came in and strewed the
 equipment along the highway. That was a contra support
 plane. *it was*

I do not have any recollection or knowledge--that
 certainly doesn't mean there wasn't--of a plane that left
 Miami and went ~~unless, say, one of these planes I~~
 thought of as coming ~~which may have been~~
 part of a leg of a trip or something. *from Miami.*

Q Well, that one incident that you described about a
 plane that came in to pick up some stuff ~~and that~~
 Felix Rodriguez ~~felt that this equipment~~
 should go to the Southern Front, on that particular incident,
 first of all

I'm trying to find where I made a note on that--
 made some note of that.

[Pause.]

I can't say that definitely.

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Q Did you become involved at all in any problems that arose--I'm sorry? Did you want to add something?

A This thing of this plane, I think I found my note.

Q Is that a note you made based on the notes you reviewed?

A Yes. This is a note I made early this morning as I tried to review some notes that I had in folders that I brought with me.

Q Well, do you have anything in your notes for March 24, March 25, that time period, 1986, on a flight involving a dispute over supplies for the Southern Front?

A No, I don't think so. I don't have a note here, and I would have to review others. I would have to see what I have in my folders, but I don't think so. I tried to jot down here things that I thought might be of interest.

Q Well, do you recall any time in which--

A March 24-25? What is it?

Q I'm going to see if I can add some more details and see if you can put any details on the incident. An incident in which a plane arrived, [redacted] empty because it ran into problems getting the FDN to release some supplies [redacted] destined for the Southern Front. The plane arriving [redacted] and a meeting being held, not with you there, but Colonel Steele was there, and a man by the name of Robert Owen was there, a man who was under contract with NHAL, and discussions--Oh, and Felix Rodriguez, and I believe [redacted] and discussions about whether or not anything could be done with that plane before it had to go back to the United States to load up some specifically weapons to take down to the Southern Front.

A I do not recall that.

Q That doesn't--

A No. And again, just out of fairness to Steele, I'm not certain that he might not have mentioned something to me, but I certainly don't recall that.

Q Do you know whether or not--and I think I asked

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-- that is a little
 intimidating and
 perhaps distorting.

about our actions as USG
 employees in EL Salvador

find out
 the truth
 45

you this last time we met--

A You know, one of the things--and I'm just going to say this for the record--I'm under oath, of course. I'm trying to tell you as honestly as I can. There's a certain sense here--I'm not a lawyer. I would like to just call up on the telephone and talk with Steele and say, "hey, what about this thing here that we are being asked about?"

not

for

There's a sense in which I have felt constrained, either rightly or wrongly, to do things which seem to me very normal to people who are wanting to try to tell the truth and so forth. I mean, I would ~~like~~ just to be able to turn here and say, "Hey, Jim, did you tell me about that? Or did that happen?"

But there's a sense here that one has that you can't do that kind of thing. You know, Or, if you do, you're going to be suspected of collusion or something. I just put that on the record, because I have a feeling that I can't do as good a job, one, ~~as if I had~~ taken time to prepare myself better; and two, ~~as if I felt like that by doing things I~~ wouldn't get somebody else in trouble.

I mean, I don't have any concerns about getting myself in trouble, but that's part of the atmosphere right now, at least for me. It may not be for anyone else, but I just wanted to tell you that.

Q Ambassador, I fully appreciate the fact that in some senses you're between a rock and a hard place on this, because (a) it would be helpful if you could sit down with

and Joe Steele and--

A Go into the dining room and just say--

Q --and say, let's see who can remember how much about that, or let's pool our resources and come up with what really happened.

On the other hand, if you do that, I appreciate the fact that somebody--not me, but somebody might say, oh, you've talked to Colonel Steele about your testimony.

A I have thought a half-dozen times about just getting on the phone and calling Jim and saying, "Hey, I've talked to these guys, and this is what I've talked to them about, and you know, what have you talked about? And, oh, well, I didn't remember it that way, or something like that. I just felt like saying that."

Q Well, I realize I'm not the only player in this game. For what it's worth, I don't care if you do that or not, and I am not going to put any spin on it one way or the other.

Do you know whether or not Colonel Steele had any type of--and I asked you this last time--any type of special encryption device that he was provided, outside of regular DoD channels?

A No.

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as I would
 is because:

have not

feel restrained
 in talking with
 others to ascertain
 what was actually
 going on with
 respect to specific
 current questions,
 because to talk
 with them might
 be construed as
 collusion or
 cover-up.

UNCLASSIFIED

46

published several days ago,

in a cable

To my knowledge, stated publicly that Felix had special communications gear.

VIPs that visit per year.

Other comments.

Q To communicate with the Southern Front?
 A I do not.
 Q And you certainly were not given any such device?
 A I certainly was not.
 Q Outside of regular, normal whatever you had that is typical Embassy equipment.
 A No. And I didn't have the Southern Front's call sign, either, or frequency.
 Q Did you hear anything about special encryption devices being delivered down to people [redacted] from
 A I did not. I read this morning a newspaper account, on a cable, of a newspaper article I think in The Post, which for the first time I remembered the question you had asked me in the informal session that we had, which inquired if [redacted] that Felix had something. I knew nothing about that.
 Q Okay. the article
 A I saw it, as I was trying to go through some stuff this morning. And I think that was a very recent article that my secretary had thrown into my folder.
 Q First of all, tell me if you can how many times to your recollection Oliver North actually traveled to El Salvador during the time you have been Ambassador to El Salvador, that you know of.
 A I told you last time, I don't know whether it was three or four. I know it was two. Every time he came, it was with a group of people like [redacted] and maybe Bill Walker, and it seemed to me always to be en route someplace else, [redacted] and like a one- or two-hour stopover. And again, kind of defensively, I suppose, it might seem to people I should be able to tell you that very easily, but I have 150 Congressmen, or, you know, I had 80 people down on one trip. I just don't--you know, we have multiple supposedly VIP groups in there at the same time. I just can't tell you exactly when and how many times Ollie was there.
 Q What about any times that Oliver North came down where he wasn't a part of a contingent, an official contingency, but was either by himself or with a group of private individuals? Do you know anything about that?
 A No, I don't think so.
 Q I have some information that sometime in late December 1985 Lt. Col. North traveled [redacted]--I don't know how long he was there, but he traveled [redacted]--and met with some people there. He was traveling with some private individuals. Do you know anything about that?
 A That may be. That may be, and I may have known about it, but I don't recall it, or recall the private individuals. I went out [redacted] to meet people. Sometimes I had [redacted] he may have come through there, and somebody said, hey, he's coming through, but I couldn't go out to see him. If somebody like Ollie is coming through, I want

UNCLASSIFIED

UNCLASSIFIED

47

to be there. But it may have been that I had some kind of a commitment or something; but I don't remember that. And I don't like saying I don't remember, if it happened, but I don't remember it.

Q I'm asking for your best recollection. That's all I can get from you.

A Well, that's the best I can give you. I don't recall it. I certainly don't remember him traveling with private people.

Q When Oliver North would travel to El Salvador as an NSC staff member, I mean that is something you would expect or want to be informed about; right?

A Sure. I mean, I would just say right here that one of the things that I'm very insistent upon, and I think General Galvin, as we were mentioning here earlier, or anyone else can tell you, it's a little stuffy in a way, but I insist that no U.S. Government employee come into El Salvador without embassy clearance.

I mean, that's one of the few prerogatives that a Chief of Mission has, and if somebody sends me a message and says I'll be there, I kind of come back and say, hey, you know, we'll decide. That's one thing I try to hold onto, because I cannot be in charge of all U.S. Government activities of people in El Salvador if I have people coming in and out of there that I don't know about, or doing things that I don't know what they're doing. So that's one thing I insist on.

Q Did you ever learn after the fact that North had been in El Salvador without going through proper clearance with you?

A No.

Q I asked you last time about General Richard Second, and you described one time in which General Second came by I believe your residence?

A No.

Q The Embassy? The Embassy. And I believe you described about a half-hour meeting, and you could not recall it.

A It was a very innocuous meeting. He had either gotten in touch with Jim Steele, but anyway Jim Steele called and said that this guy was in town, did I want to meet with him. If they've got two heads, I meet with them. I said sure, you know, come on in.

And I remember him coming into the office. I remember it being very much a non-meeting, what I call a "non-meeting." We chatted a little bit about his having been the Deputy Assistant Secretary in ISA, and how are you, and how are you, and that was kind of as I recall the meeting.

Q Do you know what he was doing in El Salvador?

A No.

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48

Q Did he ask you to do anything for him?

A He did not.

Q Did he describe in any way his involvement in assisting the contras?

A No. I think there was--

MS. JACOBSON: Excuse me.

[Ms. Jacobson confers with the witness.]

THE WITNESS: One thing that I think that it's important to note is that he was there as a retired military officer, as far as I was concerned, on private business. I don't think I'm capable of saying that I did not think that it might have something to do with contras, but we certainly didn't discuss it.

BY MR. SMILJANICH: [Resuming]

Q Were you aware before he came to El Salvador that he was coming to El Salvador?

A No.

Q Did you feel in any way that even though he was retired, as a former Deputy Assistant Secretary, that you should have been informed of what he was coming for, or the fact that he was coming?

A No.

Q In other words, once he's a retired individual, you no longer have that same level of concern?

A No. I mean, I think ~~it's~~ a courtesy, and I wouldn't say that General Secord was at that level, but I think it's a courtesy that a person, for instance, if a former President is coming into your country, ~~they're~~ treated completely differently because he's got Secret Service and so forth. But let's say, you know, that a former Secretary of State, Rusk, or Vance, or somebody, was going to come in, I think that at that level it is kind of considerate to inform us, or a courtesy, to let you know they're coming into your country.

They might say, "Hey, I don't want anything to do with you. Don't try to help me out." It's kind of a courtesy. At Secord's level, no. I mean, he's a guy, he's out, he's a brigadier general, he's one of many, you know, he comes in.

Q Did you hear, before November of '86, did you hear the name Richard Gadd, G-a-d-d?

A I don't recall hearing the name Gadd before.

Q You had no reason to connect Dick Gadd with Richard Secord in any way?

A No.

Q Did you have any indication or information that General Secord was, what's the proper word, was involved in some way with the Cuban-American, these groups of people that were connected with the private resupply to the contras?

A Yes. I mean, I had kind of a general feeling, and I hate to introduce somebody else's name in, that both Secord

who served his
C try deserves.

To receive a
former high
USG official as

although he's

he should be
treated with respect.

on the visitors part

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and the Ambassador to receive them

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in support of the Contras

49

and Singlaub were people whose names were being mentioned, or were speaking ~~he~~ and so forth; that these were a couple guys who were, in their private role, retired, were related to ~~that support for the Democratic Resistance.~~

At some point I'd like to take a break.

MR. SMILJANICH: Sure. Why don't we do that. Why don't we take a quick break right now. I think we will wind this thing up soon.

THE WITNESS: Why don't you finish your thought on that.

MR. SMILJANICH: Fine.

BY MR. SMILJANICH: [Resuming]

Q Were you aware when you met with General Secord that he had any type of relationship with Oliver North?

A I don't think so. I think in my mind that it was kind of a group of people out there who could be described with different adjectives by different people who were very supportive of the contras, who were trying to rally popular support, who were probably helping to raise funds ~~from~~ ^{from} them from private sources, and that these were people that Ollie was aware of.

were questions
I think that there ~~was~~ ^{was} in my mind I remember Ollie and I were talking at one point, and as I recall it Ollie saying that he had--because I was also interested about my role, not just for Ollie--that in terms of any contacts or relationships that he was having with people like that, that the legal counsel of the White House had said that the law ~~that that~~ ^{that} was not prohibited.

did not prevent it,

were aware of--
I have been told since then that it was not the legal counsel, that it was, I don't know, the Committee on Intelligence or something. ~~But~~ I think that most people--and, ~~sometimes~~, one of the things I mentioned to you before that kind of amazes me, about airplanes falling out of the sky, running into mountains, all of this, ~~and~~ there was a general knowledge in the press and elsewhere that there were a number of Americans involved in trying to support the contra effort.

We had soldiers of fortune showing up, reading whatever that magazine is. That was common knowledge. Certainly I didn't spend a lot of sleepless nights trying to put it all together, but I figured that guys like Secord, and Singlaub were involved in this effort, and also, at least had a speaking relationship with Ollie.

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MR. SMILJANICH: Why don't we take a break here. [Whereupon, a brief recess was taken.]

MR. SMILJANICH: Back on the record.

BY MR. SMILJANICH: [Resuming]

Q Okay, before I leave the topic, let me just make sure I can put an X through something I have here that I have covered it.

You're not aware in any way of a trip that Oliver

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50

North would have made to El Salvador in December of 1985 in which he was accompanied by two private individuals, Chi Chi Quintero and Richard Gadd?

A No.

Q Were you ever aware of a trip to El Salvador by Colonel North in which General Secord accompanied him?

A I don't think so, no.

Q Can you tell from your notes or from your memory when it was that you had that brief meeting with General Secord?

A No, I cannot tell from my notes. It might be that with enough digging I could establish that, but a lot of my calendars and everything were destroyed in the earthquake. It may be by looking into other things somehow I could figure it out and I could relate it to something else, but I cannot give you the exact date of that. I can't even give you an approximate date, to tell you the truth.

Q Can you give me dates of, when you know of, that Colonel North was in El Salvador?

A He was in El Salvador on this December 30 visit. What I was trying to remember is whether he came back through there. Like whether they went [redacted] and then came back, but he was there on December 30. And he may have come back there through a few days--like gone over there and come back, but I'm not certain of that at all.

And then I thought I had found another date that indicated when he was there.

[Pause.]

I should be able to give you a better answer than this. Right now, I can't give you dates. I thought I had noted another place here that I had a date. I may find it.

[Pause.]

I will keep looking here. I will find it. If you want to start another question--

Q No, go ahead. While you are doing that, I need to review something.

[Pause.]

A I can't remember who all was on the trip with Poindexter when he came through for the briefing. It could be that Ollie was on--that was on December 12^A and it could have been that Ollie was on that, but I don't remember. That's the best I can do right now.

Q Okay. Speaking of Admiral Poindexter, do you recall anything about his visit in December of 1985 when he came through El Salvador that concerns itself in any way with the contras?

A Not other than--I mean, you can't talk about Central America without talking about the contras; but in terms of resupply effort or something, no, sir.

Q Other than in the broadest sense of just Central

UNCLASSIFIED

UNCLASSIFIED

51

American policy?

A No.

Q You don't recall?

A I have, I'm sure, I have one folder--probably one of either my strengths or faults is that I keep too many things, but I have the notes on the yellow pad that I wrote out to use for the briefing of Poindexter, and I'm sure I followed those notes, and those notes are in a file in San Salvador.

MR. SMILJANICH: Off the record.

[Discussion off the record.]

MR. SMILJANICH: Back on the record.

BY MR. SMILJANICH: [Resuming]

Q Did you ever feel that Felix Rodriguez was acting on any type of higher authority, or higher instructions concerning private resupply of the contras?

A No. Well, I felt that he had a relationship with a number of people in Miami. I knew that he knew Don Gregg. I knew that he knew Ollie. But that there was someone ~~like~~ running him or instructing him, I did not feel that was the case. I'm sure that he had telephone conversations with all of those people.

I know that at one time he complained about money, and not money for salary but just like for travel, and I think that was with some people from Miami or somebody who was helping him out. But ~~like~~ that he worked for somebody, I didn't have that feeling. I felt that he kind of worked for a lot of people, worked for himself, and, as I say, there may have been a more dominant relationship elsewhere that I don't know about but it seemed to me that most of the time he was

Q Now tell me any incidents you can recall in which you personally interacted with those private people

A I don't--

Q For example, I think you talked last time about being--well, maybe you didn't say you personally--talked--

A I don't think I ever talked, or personally saw, ~~or~~ a person from one of those private groups.

Q What about complaining to--some complaints you were getting about these people raising hell in town and stuff like that?

A Well, Steele came to me and told me that these guys were whoring around, raising hell, getting drunk, and that they were going to cause problems, and that he was going to talk with them, and he wanted me to know. He wanted to make certain it was okay, and I said, yes.

And, in fact, it was amazing when I was going through some of these papers, and it's in here someplace, but

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when he jotted down
for me the points he
had made with the
private group--

he had told them in his
talk with them.

52

he had written down some of the things in his hand I'm sure it's his hand, on a note that I had made some notes on. I must have been talking on the phone or something. The content of that conversation ~~that~~ was made back at that time.

One of the things that was very notable to me is that he had stressed that he was not running their operation.

He had come to talk with them, and that he wanted to talk with them about their comportment, and that this could cause problems for everybody, and he talked to them about their phone bills. And I don't know why he talked to them about their phone bills.

Q I was going to ask you about the phone bills.

A I asked myself, this morning, who told him they weren't paying their phone bills? But they had to pay their phone bills. They had to quit raising cane. They had to stop doing things that were going to cause problems, because if they kept it up that it could be bad for us in our bilateral relationship.

Q Did [redacted] ever complain to you about the phone bills these guys were racking up?

A I don't remember [redacted], but I think Felix mentioned the phone bills, yes. I don't think that [redacted] said anything to me, but I think that Felix complained. I'm sure that Felix complained to me about the phone bills. And in thinking about it, I mean, I don't know how the knowledge came, but that is probably why Jim mentioned it, because Felix probably mentioned it to Jim.

Q Did it ever come to your attention that some or several of the pilots who were involved in this operation [redacted] came from South Africa?

A Yes. Rhodesia, or South Africa.

Q Rhodesia, or South Africa, right.

What can you tell me about that? What do you recall about that?

A All that I was informed about was some of these people were, I think Rhodesians, not South Africans, and that they were really wild men.

Q Do you recall who told you that?

A No, either Jim or--they were out there at the-- either Jim or--probably Jim. It could have been Felix, and probably both of them told me, I don't know.

Q Okay. Do you ever recall any occasion in which Oliver North and [redacted] participated in the same meeting?

A Yes.

Q When was that?

A You know, in this meeting that took place on, I guess it was, December 30, it was a kind of disturbing meeting in a way for a Chief of Mission. Because at that time [redacted]

UNCLASSIFIED

UNCLASSIFIED

53

one of my penchants, one of the things I consider to be my responsibility--and you may think that this kind of clashes with knowing enough but not knowing everything, but I don't think it does--is to know everything that could be important that is going on.

When we had the meeting there on, I believe it was December 30, what ~~had~~ really happened is that there were a whole bunch of side-meetings. There were a whole lot of meetings going on at the same time.

[REDACTED]

And Ollie went in and talked with [REDACTED]

[REDACTED] The only person I was with all the time was Bill Walker, who is an old buddy of mine. He was my DCM when I was Ambassador in Bolivia. But there were all these things, and I wasn't quite certain of everything that was going on.

It's not that you can always be. But the answer to your question that is, yes, on December 30 Ollie and [REDACTED] participated in the same [REDACTED]

Q You can't tell us about any particular meeting that met perhaps with North, [REDACTED] and then you would have been talking about anything as a separate group? And I'm not suggesting it happened, please.

A North, [REDACTED], and me?

Q Yes.

A I won't say it didn't happen, but I don't recall it. I mean, that particular trip was like four hours, and it was just kind of like all over the place in little subgroups.

MR. SMILJANICH: Let me check my notes here. I may be done with the areas.

[Pause.]

BY MR. SMILJANICH: [Resuming]

Q I asked you this last time, but Tom Clines wasn't a name that meant anything to you? You never talked with him or knew anything about him?

A No.

Q Did any of your meetings--and I apologize if I'm repeating myself--did any of your meetings with North, or at any time you came in touch with North in Washington, ever deal with private resupply to the contras?

A I'm sure we talked about private resupply to the contras. I mean, there was private resupply [REDACTED]

[REDACTED] There was this general kind of thing that Ollie repeated a lot, you know, that we're going to get through this period; there are very ~~advised~~ Americans and foreigners who are providing funds. you know; the world will long note

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UNCLASSIFIED

54

what these people have done.

But in terms of any details, no. I mean--and there was no doubt in my mind that Ollie was aware that people were involved in this. I cannot say that--I cannot recall anything that Ollie ever said to me that would show that he was the director of the orchestra, or anything. But certainly that he knew these people, that he had admiration for them, that there was an untold story there, et cetera. That was part of our conversation.

Q I know that in the broadest sense, of course, foreign policy for any Administration is set by the President, and passes through the Secretary of State. On a day-to-day basis, though, as Ambassador to El Salvador during the time frame of 1985 and 1986, where did you get your direction from?

A From the Department of State.

Q Well, from the Department of State, but where? Was there any particular--

A Well, the chief person there is Elliott, without any doubt. There is a sense, you know, in which Ambassadors, and particularly career Ambassadors, ~~you~~ kind of play these mental games. In a protocol sense, the Ambassador in his country is senior to anyone else, and yet in a realistic sense ~~it is~~ always partly in terms of your own status, how long you have been in the Foreign Service, ~~where the different parts are that you~~ what country you're accredited to, ~~where you can actually plug into the State Department.~~

And, of course, you like as much as possible to get to where the people are making the maximum decisions. But on a day-to-day basis, Elliott and Bill Walker, as his Deputy Assistant Secretary in Charge of Central America. If I have a problem that I think cannot be handled at the desk officer or the office level, I'll call Bill. He's an old buddy. Or if I think it's more, I'll call Elliott. If it's necessary, I'll call somebody on the Seventh Floor and talk to them.

Q Well, as the Ambassador down in El Salvador, what perception did you have in 1985 and 1986 of the Restricted Interagency Group, and how that interacted with your mission?

A I had the view that it was helpful, that it was something that the Department of State needs to do. It's something that Administration after Administration has sought ~~different formulas~~ in order to coordinate among all the agencies of the United States Government that project themselves overseas, either because of their function or because they just want to get over there and have one of those jobs.

I saw it as very valuable. I saw Elliott as clearly the predominant character there, as I think he should have been. And I think that, you know, based on what he was told that things were running as one would expect them to do,

clapnets with

historical

except the President.

the level at which an Ambassador plugs in within the Department

critically

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negotiations and acronyms with

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55

and very well, under his leadership.

Q When someone says "the RIG" to you, obviously you put Elliott Abrams as the chairman of it.

A As the chairman.

Q What other names do you automatically associate with the RIG during that time frame?

A Well, during that time period it was Ollie, and [redacted] and Ray Burghardt would come, kind of like two different parts of the NSC. There was always this kind of question as to who Ollie worked for. I mean I think the guy in charge of ARA at the time, Ray Burghardt, was a little disturbed as to whether he worked for him, did work for him, and things like that.

Then there would be a representative from the Joint Staff, from the Joint Chiefs of Staff. And sometimes there would be somebody over from DSAA, oftentimes, Colonel Royer, often, and DIA. They were all the players you would normally expect.

Depending on the subject, you might bring in somebody from AID, if it were on the ~~political~~ side. Those were some of the principal players.

Q When the subject involves the Nicaraguan Resistance, did you ever have the perception that there was sort of a subgroup of the RIG that primarily concerned itself with that?

A Yes. I think it ~~was~~ --yes.

Q Who would that be?

A Well, I think the RIG, by its very nature, is ~~constituted~~ depending on the subject of the agenda. You may include people that you wouldn't another time. But certainly on the Democratic Resistance it would be Elliott, Bill Walker [redacted] Ollie North, myself, when I was up. Or, I'm sure if our Ambassador [redacted] was up, he'd be in the meeting.

On the military side, it's not as clear. It seemed like there was always somebody there, but they weren't as--I may be doing them an injustice, but they weren't as much of ~~a~~ players.

Q In the Tower Report, Ambassador Tambs referenced the RIG in connection with what he was talking about, the RIG that was basically giving him guidance. He discussed it in terms of Elliott Abrams [redacted] and Oliver North. And there's been some criticism of that statement, the fact that the RIG is much bigger than that; why limit it to those three.

What's your perception of that? In other words, did you feel that those three gentlemen in particular were the sort of the core of the RIG that would deal with contra issues?

A Yes, I think that they were in a sense the core,

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56

because, for instance, General Galvin was a very important player in these things, whether it was in an initiative way or a restraining way.

And there were representatives from the Joint Chiefs of Staff, at times, their representatives. I mean, I don't think that it's fair to depict that, that there was a little trilogy there.

more central. In the meetings that I was in, they may have been ~~closer to it~~. They may have been involved in it more, ~~and~~ ~~more~~, but there were other parts of the Government's interests that were either being informed, or had the opportunity at any time, ~~to come in~~.

Q How many RIG meetings did you attend?

A I don't know whether it was two--it seems like I always come to the same numbers--whether it was two or four, but generally when I came up, they would try to schedule a RIG meeting. I'm sure that when Lou Tamba came up, they would try to schedule a RIG meeting, and when John Ferch, or whoever.

So usually when I would come up, we would try to have a RIG meeting, but not always.

Q Well, can you be particular about any specific RIG meeting that you attended, who was present specifically, and what general topics were discussed?

A Well, I think the people that I just talked about, and the topics are the normal topics on Central America, Contadora negotiations; the relationship, let's say, of negotiations within El Salvador with the FMLN to the negotiations with the Sandanistas, with the UNO and the FDN; economic questions are inevitable to come up at times in the RIGs; a discussion of how to get the--we had one RIG in which Luigi Einaudi, who is kind of the guru of history of what has happened, discussing how to get the bureaucracy to work.

I mean, the subjects weren't all just the contras. Q Well, in the RIG meetings you attended, how many people were present?

A Well, sometimes we met in the ARA conference room, and there could be 14 or so people there, or more, but certainly that magnitude. And we had some meetings which, whether they were formally called RIGs or not, maybe they weren't, like in Elliott's office where maybe there would be six or seven or eight.

Q The name he mentioned was Luigi Einaudi, E-i-n-a-u-d-i.

A That was a special RIG meeting to discuss, you know, how can we help the Salvadoran Government be more efficacious.

Q I think that's all the questions I have.
MR. SMILJANICH: Do you have any?
MR. TRAYLOR: No

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*to express views
and opinions*

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57

MR. SMILJANICH: Let me think, then.

[Pause.]

BY MR. SMILJANICH: [Resuming]

Q When you mentioned--and I understand your memory is vague on this--something being said about the [redacted] or the [redacted]--I believe you said it in the context of the group or groups that might take this equipment, these aircraft and other equipment, away when the \$100 million in aid came along.

Does the name "Udall Corporation" mean anything to you, other than what you have read in the paper?

A No.

Q That does bring up one more topic.

A While you've got me, get me.

Q That's right. Let's take advantage of the situation.

Do you have any information concerning the provision of aid to the contras by third countries?

A No, I don't. I know that I mentioned earlier that Ollie mentioned that there were Americans and foreigners who were ~~like~~ contributing to make certain that the contras could hang on, and on this part I'm less certain, but certainly in my mind, it was very clear that these [redacted] whether they were [redacted] or what. But anyway, I had the idea that there were some [redacted]

I would like to stress that, certainly, the interpretation I gave to that was that they were private individuals, and not governments, at all.

Q You were not personally aware of any third countries [redacted]

who were providing military aid to the contras [redacted]

A No.

[Discussion off the record.]

BY MR. SMILJANICH: [Resuming]

Q Two last questions. When you walked away from the meeting in Don Gregg's office in August of 1986, what did you walk away with? What was the outcome of the meeting?

A Well, I thought you were going to ask me that a long time ago. I didn't see any conclusions really in that meeting. I mean, it wasn't like--it wasn't, to me, like we got together and discussed all of these, and we decided courses of action, one, two, three, four, or anything like that. It was kind of you were there, and you walked away.

I mean, it was not like, "Okay, do up the action memo."

Q You're not the first person that saw that, by the way.

A Pardon?

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58

Q You're not the first person that says that, by the way. Ray Burghardt left the meeting and said, what was that all about?

Q Okay, the last question is really not a question, but a request. First of all, I had mentioned very early on that if at any time in continuing to review your notes or anything you feel there is something you really wanted to add, or clarify, or in any way talk about, please let us know and we will--we are not going to ask you to make a special trip back just because you came up with one little thing you forgot to tell us, or something; but, you know, some kind of arrangements can be made, perhaps, to handle the situation.

My second request is this, and I'm not asking you to let us look at these, or have these now, but I'd like you to give consideration to and discuss with Linda Jacobson and whoever else, I would like to have the opportunity to review your personal notes that you've kept, not in toto, but any that in any way touch upon the issues we've discussed that you've reviewed in order to help you with your memory.

A If the Department, as a Department, says fine, that's fine with me.

Q I just want to make that request.

MS. JACOBSON: Ambassador Corr will review the directions that the Secretary gave to other officials in the Department who have personal notes.

MR. SMILJANICH: I missed the first part of what you said.

MS. JACOBSON: I will review with the Ambassador the directions that the Secretary has given to others.

MR. SMILJANICH: Okay. And if it is okay, if it can be worked out, you don't need to stay around or anything; I just want to be able to maybe get a copy of it. Or, if I need to go look at them somewhere, or anything like that.

THE WITNESS: I will go over them.

MR. SMILJANICH: So if you need to leave them behind.

MS. JACOBSON: With his permission, we will provide you access, but not copies.

MR. SMILJANICH: That's fair. Well, I would like then to make some kind of arrangement when we could come by and just review them.

THE WITNESS: I have a question now. There will be a written record made of this that will be sent to me for my review?

MR. SMILJANICH: Yes. Let's finish up here officially. That concludes the questions I have.

Tim, do you have any?

MR. TRAYLOR: No.

MR. SMILJANICH: Ambassador, I will have this

UNCLASSIFIED

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59

with that one exclusion that we discussed a moment ago. When it is transcribed, I want to give you the opportunity to be able to review it and determine whether or not you feel the transcript is accurate, and then after having reviewed it you can be making notations that you wish to make, "I feel that the following corrections need to be made," and then I would like you to affix your signature. She will have a signature page to the deposition. Sign it, and then we will receive the original.

As far as a provision of copies, I am not certain what the rules are here. Certainly I have no problem with a copy being kept by you, but I am not certain. There are all kinds of special precautions obviously, given the fact that this is a Secret document. There may have to be some special thing.

But in terms of you getting a copy, I don't have a problem with it. I just need to make sure that we go through the proper procedure to do it.

THE WITNESS: When might that transcript be available?

MR. SMILJANICH: When might that transcript be available?

THE REPORTER: As soon as we conclude the deposition, I will begin typing it.

MR. SMILJANICH: That is great. That concludes the deposition.

* * * *Edwin H. Carr*

SIGNATURE OF THE WITNESS

Subscribed and Sworn to before me this day of May, 1987.

Michelle P. Williams
NOTARY PUBLIC IN AND FOR

MICHELE E. WILLIAMS

Vice Consul of the United States of America

COMMISSION:

Indefinite 22 USC Sec 1106

American Embassy (Consular Section)

San Salvador, El Salvador

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SELECT COMMITTEE TO INVESTIGATE COVERT

ARMS TRANSACTIONS WITH IRAN

U.S. HOUSE OF REPRESENTATIVES

and

SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE

TO IRAN AND THE NICARAGUAN OPPOSITION

UNITED STATES SENATE

Redstone Arsenal, Alabama
Monday, August 10, 1987

The deposition of JOHN C. COWARD, called for examination in the above-entitled matter, pursuant to notice, in the office of the Staff Judge Advocate, room G15, building 111, Redstone Arsenal, Alabama, convened at 1:43 p.m., when were present on behalf of the parties:

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under provisions of E.O. 12356
by K. Johnson, National Security Council

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C O N T E N T S

2 WITNESS

EXAMINATION

3 JOHN C. COWARD

4 By Mr. Saxon

4

5

6

E X H I B I T S

7 NUMBER

8 Coward Deposition 1

Coward Deposition 2

9 Coward Deposition 3

Coward Deposition 4

10 Coward Deposition 5

Coward Deposition 6

11 Coward Deposition 7

12 Coward Deposition 8

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P R O C E E D I N G S

Whereupon,

JOHN C. COWARD

was called for examination by counsel for the Senate Select Committee,
and having been first duly sworn by Colonel John K. Wallace III, was
examined and testified as follows:

EXAMINATION

BY MR. SAXON:

Q If you would, sir, please state your full name for the record.

A Okay, John, middle initial C--is that sufficient?--

Q Sure.

A --Coward, C-o-w-a-r-d.

Q And, Mr. Coward, I believe you're currently retired from
government service, is that correct?

A That's correct.

Q And what was the date of your retirement?

A The 3rd of April '87, this year.

Q And prior to retiring, immediately prior, what was your position.

A I was an inventory management specialist in the Missile Log Cent

Q In the Missile what?

A Log, the Missile Logistic Center.

Q And how long had you been in that position?

A About 17 years.

Q In that exact position?

A In that exact position.

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by K. Johnson, National Security Council

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5

1 Q So, you knew a little bit about this stuff.

2 A Somewhat.

3 Q I don't have to, then, ask you what you did prior because we've
4 covered any period we're interested in. My questions to you will be
5 directed toward what we now know as Project Snowball, which is the
6 provision of three shipments of basic TOW missiles with MOICs in the
7 quantities of 1,000 for the first shipment, 508 in the second shipment,
8 and 500 in the third shipment, from Anniston Army Depot to the Army
9 Missile Command, on to the office of the Deputy Chief of Staff, Logistics.

10 A Well, let me ask a question. Are you saying the total quantity
11 of missiles with MOICs?

12 Q Well, the total number requested with MOICs, although my
13 understanding is the third shipment actually went forward with missiles
14 without MOICs.

15 A That is correct.

16 Q But that's what the request was for.

17 A Understand.

18 Q And that's in fact what the CIA paid the Department of Defense
19 for, even though they didn't get provided the MOICs for the third shipment
20 Just for the record, you had no involvement with Project Crocus, and
21 that is the HAWK repair parts, is that correct?

22 A None whatever.

23 Q And, for the record, you had no involvement with the Contra side
24 of the Iran/Contra affair.

25 A Absolutely not.

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1 Q All right, so my questions will focus on that involvement
2 with Snowball. If you would, simply walk us through in chronological
3 fashion your involvement, when you got involved--and exact dates aren't
4 so much material as approximate times 'cause we more or less know the
5 exact dates, but we want to know how'd you get involved, who notified
6 you, what did they tell you to do, what did you then do, what happened
7 next, et cetera.

8 A Okay. Sometime early--in early January of '86, I was called
9 to a meeting at the TOW project office in the office of the then deputy,
10 George Williams.

11 Q And he was later replaced by Mr. Leachman?

12 A That is correct.

13 Q And at the time, Mr. Leachman was the chief of Logistics Branch?

14 A That is correct.

15 Q TOW project manager was Colonel Lincoln?

16 A That is correct. So, Chris Leachman, George Williams, and I
17 and possibly one or two other parties met and discussed in very broad
18 terms impending shipments in the amount of some 4500 missiles, TOW
19 missiles. I gave them certain inventory figures on what was on hand in
20 the depot. We were put on standby for some little time--I don't recall
21 how much time passed, but I think late in January, mid- or late January,
22 we made the first shipment of 1,000.

23 Q If I can interrupt, you're doing exactly what I asked, but if
24 I can interrupt your chronology for one moment--

25 A Certainly.

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Q When you were told roughly 4500 missiles--and it later became
2 4508--were you told what kind of missiles?

3 A That was discussed.

4 Q And what was the resolution of that?

5 A Well, that would be primarily the MOICed missiles of the
6 standard range variety.

7 Q But you start with basic TOWs, right?

8 A That's basic TOWs.

9 Q And then were you told what condition code they should be in?

10 A If I recall, they would be in condition code "A."

11 Q And at what point and by whom was the determination made that
12 there were insufficient missiles in condition code "A" as is, meaning
13 that you would have to put the MOIC on the missile?

4 A Now that's a toughy. I don't recall the chronology there.

15 Q Would it have been within the first week or so that you began
16 to work the requirement?

17 A Possibly a little longer than that. I was on special project
18 then for roughly two whole months, and to try to zero in on certain dates
19 back, you know, during that time frame is, for me, is almost impossible.

20 Q Okay, well, then--and it's not that important for your purposes--
21 let me ask you. There came a time, I take it, when you knew you were
22 working with basic TOWs that would need the safety modification in order
23 to bring them up to condition code "A."

24 A That's correct.

25 Q Now, continue with your chronology, if you would.

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A Okay. I made a note here. Let me refer to one little--just a little note. It didn't amount to a lot.

Q You refer to whatever you need to. We'd rather get it all right than have you do it from memory.

A [referring to a piece of paper] Okay, that had to occur sometime between January when the first shipment was made--all the paperwork was made up--between that time and--I don't know what date it may--I've just got a recollection of May being the second shipment, and along about--let me back up a moment. It had to be between May of that year and October that certain things happened that made it evident that the MOICed rounds were not going to be available in the quantity needed.

Q You're going to the issue of the ITOW, I-T-O-W, downgrade, which was necessary because at Anniston Army Depot, they either were out of MOICed rounds or modification kits.

A That's true, but prior to that, if my memory serves me, didn't we ship, in addition to the first shipment of 1,000, didn't we ship 508? All these were MOICed, I believe.

Q That's correct.

A Add the "e-d" as you point out, to the verb, but the third shipment in October was not an ITOW modified down but, rather, was just 500 extended range, I believe, is that correct?

Q I think that's correct. They were clearly condition code "N" and did not have the MOIC on them.

A That is correct.

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1 Q Well, let me go back, then, to the chronology and ask you
2 after this initial meeting where it was discussed and the requirement
3 was presented for everyone, what was your specific role in the first
4 shipment?

5 A Simply to prepare the materiel release order.

6 Q MRO.⁷

7 A Paperwork, and I did some coordination with the depot.

8 Q Okay, and would that have been the extent of it?

9 A That would have been the extent of my involvement.

10 Q And would you have done the same thing for the second shipment?

11 A Absolutely.

12 Q And for the third shipment?

A And for the third, right.

14 Q And that would have been in the normal course of doing your job?

15 A It was just an everyday thing, right.

16 Q And were you involved with any decisions or discussions with
17 regard to pricing for the basic TOW with MOIC?

18 A I was not.

19 Q Okay, when you were told to work up an MRO, transmit information
20 to the depot, et cetera, were the stock numbers of the missiles specified?

21 A Yes, they were.

22 Q By whom were they specified?

23 A By either Chris Leachman and George Williams or both.

24 Q To you?

25 A To me.

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1 Q And they had received those specifications from someone else?

2 A That was my understanding.

3 Q Do you recall what stock number they gave you?

4 A 141001--

5 Q If you want, you can just give us the last four digits.

6 A Okay, the last four digits: 1512.

7 Q And the 1512, if I can call it that--

8 A Yeah. That's the MOICed round.

9 Q --is the basic TOW with MOIC.

10 A Right.

11 Q Or a 71 alpha 2.

12 A That is correct.

13 Q And your recollection is that stock number was specified when
14 it came to you.

15 A It was for those first shipments, although we had had discussion
16 on the availability of both the so-called extended range missile, which
17 is stock number ending in 2507, and, also, I don't recall the specifics
18 of the discussion, but we discussed the modification of the ITOW back
19 down to the extended range; in other words, removing the ITOW warhead
20 and replacing with an extended range warhead.

21 Q I take it from the fact that even though maybe you've gotten
22 a little rusty since you retired, but you would basically know the exact
23 stock number of a number of digits. You worked with these all the time.

24 A I normally would know all of them.

25 Q And would you--at the time, did you know the price of a 1512

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1 or a basic TOW with MOIC according to the AMDF?

2 A Yes.

3 Q And what was that price?

4 A Okay, the basic without the MOIC was \$3169, and, if I recall,
5 with a MOIC it was possibly \$5500, give or take.

6 Q All right, if I told you it was \$8435, would that refresh your
7 recollection?

8 A Well, keep in mind that these AMDF prices were constantly being
9 updated. At some point in time, I believe you would find that it might
10 have been only in the \$5,000 price range.

11 Q I would simply say for the record, that's the first time we've
12 ever heard that figure, and the documents I'm going to show you later
13 would reflect \$8435.

14 A Okay. I could stand corrected on that.

15 Q Well, I'm not trying to testify for you--

16 A Mm-hmm.

17 Q --but let me just say--time out; the telephone has buzzed us.
18 [There was a momentary pause in the proceedings while Mr. Saxon took
19 a telephone call.]

20 Q Mr. Coward, I take it from your testimony, whether we're
21 talking about \$8435 or a \$5,000 figure--and we'll address this later--it
22 would be your testimony that if you have a basic TOW and add a MOIC,
23 you don't simply take \$3169 and add approximately \$300, which is the
24 price of a MOIC, to get \$3469.

25 A No. By the same token, I don't--I'm not able to see precisely

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12

how it would go all the way from ⁷3169 to \$8400, I believe you said.

2 Q All right. What would you do if you--well, first question,
3 if you knew this stuff pretty clearly, then you would, I would think,
4 be able to give a precise figure as to what a basic TOW with MOIC is
5 without going to the AMDF, would that be correct?

6 A At that time, I would have.

7 Q Would you--do you recall if you did go to the AMDF to see what
8 the price was of the basic TOW with MOIC?

9 A Well, let me point out that that would have been one of the
10 entries on the 496 form that we process the MRO on. Therefore, I would
11 have gone--unless I just had it in my head, I would have gone to the
12 AMDF in order to fill out that form.

13 Q Okay. What would be your judgment as to who else would have
14 been aware that if you have a basic TOW with MOIC, you would have a
15 different national stock number and, therefore, a different price? Would
16 Mr. Leachman have known that, do you think?

17 A Oh, yes.

18 Q And Mr. Williams?

19 A Yes.

20 Q What about Colonel Lincoln?

21 A I would think so.

22 Q And I'm going to be showing you some documents, and these have
23 already been marked. We may not go through all of these, but I will
24 show you first Exhibit 1, which is MICOM Form 496, the MRO you mentioned.

25 A Right.

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Q And this has a date of January '86. The exact date is unclear, but, if you'll notice [pointing it out] from the quantity block, this shipment is 1,000, so we're talking about the first shipment.

A Right.

Q And the unit price is \$8,435. Now, do you know whether you would have been the person to have prepared this document as the item manager?

A That is my handwriting.

Q That is your handwriting; so, we have found the source of this document.

A Right, and we've also found undisputed evidence that the AMDF price at that time was \$8435.

Q And it would be your testimony that you would have double-checked-- even if you had it in your head, you would have double-checked the price?

A I certainly would have, yes.

Q Before you put it on that document?

A Right.

Q All right. Let me show you now a document which is Exhibit 2, which you may not have seen this particular document. In fact, my guess is you would not have, but this is a computer card used at Anniston Army Depot. On the first shipment, if you notice under the quantity block of 1,000--

A Right.

Q --and it bears the price of \$8,435. Now, if I can direct your attention to some of the writing on it, this is copied from a GAO

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14

document in which they took this card, and there was some writing on it, and the GAO officials had written "MICOM gave price," meaning the price of \$8,435, and in paren is the name John Coward. Do you recall having given that price to someone at Anniston Army Depot?

A I would not have. I would simply have filled this out. The stock control people in turn would have either called out or transferred this information to this type card.

Q I understand.

A And it would have been either, then, transmitted by transceiver, by telephone, or whatever, to the depot.

Q The handwritten note--and I'll show you this in a moment, but let me read it from Exhibit 2; the GAO investigator says that the first-- in the first shipment, Mrs. Janice Griffin, Anniston Army Depot, informed us that John Coward, item manager, Missile Command, phoned the materiel release order authorizing shipment. That's what this says. Do you recall having phoned that? I realize it's been some time.

A I think she's wrong there. I don't recall. Someone might have inferred that it came from me because most of them know me down there-- knew me--but in our part of the system, we didn't--we, as item managers, didn't call in MROs. That was done by the stock control people. The party who may have called this in could have well said, "This is one of John Coward's items," and that might have led someone to believe that this was--

Q All right; I understand.

A In fact, thinking back, I'm not going to discount the fact

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15

that I could have taken this over to communications and had it datafaxed because at the time all this was going on, we were doing a number of things to speed the process. I can't say that for certain on this particular document, but--

Q Let me show you Exhibit 3 and simply ask you if you are familiar in a generic sense with this form. This is something that Anniston Army Depot uses. It's called the ammunition planning worksheet.

A I've seen these before.

Q And on here for the first shipment of quantity 1,000 [pointing it out], it reflects a total price of \$8,435,000, which, if you do your arithmetic, is \$8,435 per.

A Times 1,000. Right. I've seen similar pieces of paper.

Q Okay, sir. I'm not going to walk you through all these because not all of these exhibits directly pertain to your involvement, but are you familiar with the DD Form 1348?

A Yes.

Q All right. Let me simply show you as Exhibit 4 the initial form prepared at Anniston Army Depot for shipment to Redstone Arsenal in the quantity 1,000 TOWs, and the price, again, is \$8,435, is that correct?

A It is.

Q Did you have any involvement with these shipments in which a lower or different price was discussed, to your recollection?

A No. I don't--in fact, I don't recall any price discussion until after this whole thing was over.

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Q All right. Let me go, then, to the second shipment, and this is Exhibit 8 from the previous deposition, which would now be a different exhibit number [Exhibit 5], but this is the MRO dated 16 May '86, quantity of 508 missiles, which would be the second shipment. Did you have anything to do with preparing this document?

A Absolutely. That's my writing.

Q That's your handwriting, and, again, the unit price is what?

A \$8435. I stand corrected.

Q I can show you similar documents that we've just looked at for the first shipment; that is, the computer card, the ammunition planning worksheet--

A Right. All the backup.

Q That would reflect the same thing for the second shipment.

Let me simply go to the third shipment and show you what has previously been marked as Exhibit 14 from the earlier deposition, which would be the next in this sequence [Exhibit 6], and the date is faint; the quantity, though, is for 500.

A Right.

Q Is this a document that you prepared?

A Yes.

Q MRO? And is that your handwriting?

A Yes.

Q Now, the price here is \$8,164. Do you have any idea why we have that price?

A Well, of course this is the first generation extended range

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17

1 missile; in other words, a TOW missile, with a range of 3750 meters
2 as opposed to 3000 meters for the basic, so, naturally--and they're
3 still in production, I might add--so, naturally, the cost of this missile
4 would be considerably greater than the old \$3169 for the standard, which
5 has long been out of production. Now, if you're asking, "Why isn't it
6 as great as the MOIC?" you know the basic that's had the MOIC applied,
7 I can't really say.

8 Q What does the condition code reflect there for the third shipment

9 A Condition code "N."

10 Q And I believe the first shipment reflects condition code "A,"
11 as does the second shipment.

12 A Indeed, because those were code "N" missiles, which had been
13 modified up to code "A" by application of the MOIC.

14 Q All right, sir.

15 A In this case, these were missiles that would require the MOIC
16 but did not have it applied.

17 Q And let me make sure I understand why the third shipment reflects
18 \$8164. What would you say, again, is the reason for that?

19 A Well, it's a later version than the old basic missile, which
20 had a price of \$3169, and it was still in production. To my knowledge,
21 it's still in production.

22 Q And would that have come from the AMDF, and would that reflect
23 the last procurement price for that missile?

24 A Well, let me say it would have come from the AMDF. I wouldn't
25 have looked any further as far as saying, you know, "Hey, is this the

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18

latest procurement price?" that we were--as far as I know, we were out of production for Army.

Q Do you recall if specific stock numbers were given to you for the third shipment different from what was given for the second and first?

A Yes, indeed. In fact, I had already made an entry here erroneously of the 1512, and then--

Q This one was for the 2507?

A That is correct, so, it was brought up, "Hey, you've got the wrong stock number there," I made a change.

Q All right. I'd like for you to look at the next exhibit, which is Exhibit 15 as previously numbered; would be the next in sequence [Exhibit 7], and this is the computer card generated at Anniston Army Depot for 500, which is the third shipment, and it reflects the stock number of 2507 as you've provided on the MRO.

A Right.

Q And yet it reflects the price of ⁴/₈435. Would it be your testimony that if we have the 2507 stock number, then the proper price is the ⁴/₈164 and not the ⁴/₈435?

A Absolutely. That's an evident error. I can't really say who generated that error. If this had been a callout, I would have thought that the same entries which I had put in this 496 should certainly have been phoned in item by item, including specifically ⁴/₈164 and not ⁴/₈435. However, I'd like to make one other comment on that.

Q Sure. You're the witness. You say whatever you want to.

A Keep in mind I'm not going to--[checking exhibits]--wait just

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a second, now. I wonder if I got my unit price on this form right here [referring to Exhibit 6]. Okay, my first thought there was that if I had had the \$8435 here to match with this and had not changed it, then I could see how it would have stayed \$8435. However, I did change it, so strike that. Just a thought.

Q For the record, if we look at Exhibit 17 as previously numbered [Exhibit 8], the DD 1348 worked up for the 500 missiles, meaning the third shipment, with the 2507 stock number, again, they've plugged in the \$8435 price, meaning they were consistent in their incorrectness--

A Right.

Q --and I think we can probably stop with the exhibits there.

A Was this caught--may I ask if this was caught at a later date and directed to back up to the \$8100-plus price?

Q No, sir. If you're interested, the figure changes significantly but not to \$8164.

A I see.

Q It goes down to zero, and then it goes back up to \$3469 by the time these missiles get to the CIA, but it doesn't--it never shows \$8164. Let's go back to the figure of \$8435 for the first two shipments and assume that it's correct. Now, as a practical matter, the AMDF was incorrect, and the Army has now revised that, and it should have been a slightly different figure, but at the time, \$8435 was the correct figure, as best as anybody knew, so let me use that.

A Okay, we'll make that assumption.

Q You indicated earlier when I asked you who did you think would

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have been familiar with the fact that a basic TOW when modified with the
2 MOIC changed the national stock number and changed the price, and you
3 said you thought Mr. Williams would have; Mr. Leachman would have;
4 Colonel Lincoln you said, "I would think so."

5 A I would think so, yeah.

6 Q With whom do you recall specifically discussing the price of
7 \$8,435, if anyone, as to any of these shipments?

8 A Okay, to be honest--

9 Q Or with regard to the third shipment, the 8164?

10 A In the discussions that I had with project people, we were
11 focusing primarily on the shipment, per se, without regard to price.
12 What we're talking--primarily about availability and this sort of thing.
13 I don't think that any of us at the time discussed price. If we did,
I don't recall it.

15 Q All right, so, your testimony would be that as to Colonel
16 Lincoln, you don't recall any discussions that you had about whether
17 the price should be \$3469 or \$8435.

18 A I didn't have any conversations of that sort.

19 Q Would your answer be the same as to Mr. Leachman?

20 A Yes, it would.

21 Q As to Mr. Williams?

22 A Yes.

23 Q As to General Burbules?

24 Q [laughter]

25 Q I have to ask for the record. Maybe you didn't talk with General
Burbules.

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- 1 A I didn't talk with General Burbules.
- 2 Q So, the answer is no.
- 3 A I did not talk to him regarding the price.
- 4 Q I think you said this, in looking at the exhibits which reflect
5 the materiel release order that you prepared, that the 8435 price was
6 there on the first two, and it would be your best recollection that
7 that would be the correct price according to the AMDF for the basic TOW.
- 8 A I feel that it would.
- 9 Q Did anyone ever tell you that, "We would not use that price,"
10 meaning that any involvement you had with these shipments should not
11 reflect the price of 8435 or of 8164 but some lower price?
- 12 A I had no discussions with any individual in that manner, no.
- 13 Q All right. Let me refer, to refresh myself, to your sworn
14 testimony to the Department of the Army IG and see if there's anything
15 else I want to further explore.
- 16 A Sure.
- 17 Q Now, you mentioned a meeting that took place in January--
- 18 A Mm-hmm.
- 19 Q --earlier in your testimony to us.
- 20 A Right, mm-hmm.
- 21 Q You talked about that at your testimony to the Department of
22 the Army IG, which you provided your sworn statement on 29 December '86,
23 and you were asked if all of the people at that meeting would have been
24 familiar with the TOW missile and would be knowledgeable of what was
25 meant when you were talking about a 2507 versus a 1512, and you said--

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1 A The different configurations, yeah.

2 Q And you said that you thought that they would be, is that a
3 fair statement now?

4 A I hope that I said that because I certainly feel that all these
5 people we're talking about would have been aware.

6 Q All right, sir. When it came time to actually prepare the
7 first shipment of 1,000 TOWs--

8 A Mm-hmm.

9 Q --who gave you that task? Who told you to prepare the MRO?

10 A Mm, that's a toughy. Now, that was in January of '86. If I
11 recall, there was another meeting in building 5250, and if I recall, it
12 was in the EOC room, what we call--you know, EOC, the emergency operations
13 center, and Mr. Finafrock--

14 Q Spell that, please.

15 A F-i-n-a-f-r-o-c-k.

16 Q And who is he?

17 A I believe he's the deputy chief of the Missile Log Center.
18 Mr. Isom was the deputy.

19 Q I-s-o-m?

20 A I-s-o-m, right, and he and I attended a meeting in building 5250
21 to lay out some of the strategy and to firm up all the loose ends regarding
22 the shipment, so I would say that Mr. Finafrock, after conversations with
23 key project personnel--I happened to be there, too, but technically, he
24 would have been the one that I took my direction from.

25 Q Building 5250, is that where the emergency operation center

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was located?

2 A Yes, it is.

3 Q And your best recollection, then, would be the actual tasking
4 of, "Okay, we're ready to ship 1000 missiles," would have come from
5 Mr. Finafrock?

6 A Indeed.

7 Q And would he have specified the stock number or the particular
8 missile we were shipping?

9 A Technically, I don't think that Mr. Finafrock would have been
10 familiar with all the different configurations, nor would I have expected
11 him to be, but my action there would have been to ship those missiles
12 that had been determined to be the ones to ship, that determination being
13 made by the project office.

14 Q Let me read you what you were asked at this point and what
15 your statement was and see if this refreshes you.

16 A Sure.

17 Q You were asked this question, quote: "Who called you from the
18 PM TOW?" unquote, meaning the project manager TOW office.

19 A Mm-hmm.

20 Q Answer, quote: "It was very likely Mr. Leachman," unquote.

21 Question: "It was probably Mr. Leachman? Had he told you to prepare
22 1000, to cut a MRO on the thousand of the 1512s, and how was it
23 expressed?" unquote. Answer, quote: "The best that I recall, that
24 was specifically the guidance," unquote. Now, does that refresh you
25 in any way? Do you think you got a call from Mr. Leachman to prepare?

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1 A Well, even if I did--I possibly did, and that was what? six,
2 eight months ago,² so I may have had a little bit more clear memory of
3 what happened, but even so,³ and I may have thought this out at the time,
4 there were other little get-togethers, other meetings, but projects
5 certainly would have been issuing guidance, but, at the same time, I
6 was talking to Mr. Finafrock.

7 Q I think your statement is consistent because as I read, what
8 follows is that you said a day or two later was when the meeting in
9 the EOC, the emergency operations center, was held--

10 A Okay.

11 Q --and that when Leachman called, you were prepared to cut
12 the MRO, but you didn't actually cut it until after this meeting was
13 held.

14 A Right.

15 Q So, I think that's consistent.

16 A That's correct. That's very true.

17 Q Now, in terms of how the MRO got communicated to Anniston Army
18 Depot, you recall that the GAO investigator had written at the bottom of
19 the computer card that Miss Griffin got this information from John
20 Coward, and I asked you whether you provided it by telephone, and you
21 thought not, and it may very well be that that's correct, and let me
22 read you a statement here and see if this makes it all make sense.

23 A Okay. Go ahead.

24 Q You stated, and I quote, "I met with Mr. Tucker"--let me ask,
25 by the way, who Mr. Tucker is.

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1 A Well, he's our division chief.

2 Q What's his first name?

3 A Bobby.

4 Q Okay. Quote, "I met with Mr. Tucker to determine how we
5 would best get this to the depot, either by phone or by mail or by
6 transceiver." You were interrupted, and then you state, continuing to
7 quote, "To the best of my recollection, it was called out," unquote.
8 Question, quote: "Telephonically?" unquote. Answer: "Telephonically,"
9 endquotes, so it would sound like that somebody phoned this down to
10 Anniston Army Depot. It may have been you; it may have been Mr. Tucker,
11 or it could be someone else.

12 A Let me shed a little light on that. It's funny how you--how
13 one or two statements ^{may} ~~made~~ spark your memory. I recall the very day now
14 that this happened. I was at home. I was called out here after hours--
15 well, I think I'd gone home early and got called back. I stayed in
16 the other building, which would be the stock control, where stock control
17 is located, building 5678. I stayed there to make sure that the call
18 out was properly made. While I was still there, the chief of ammunitions
19 storage called back into this area where--

20 Q Chief of ammunitions storage at the depot?

21 A At the depot, right. That would have been Dale Yarbrough, if
22 it means anything. I happened to still be there because, like I say,
23 I just wanted to make sure that everything went by without a hitch. His
24 question to me was--he asked to speak to me. He said, "We have this MRO
25 that's been called in. It's got the wrong stock number," and my reply

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26

to him was, "If you're prepared to ship anything other than the stock number ending in 1512, you're wrong," so someone may have thought that I was calling in the requisition, but I certainly didn't.

Q Why did he tell you that you had the wrong stock number?

A He was of the impression that we were going to ship the old standard range, unmodified.

Q Just the basic TOW?

A Right. I'm not sure why he had that idea.

Q Did you ask him?

A I don't--I can't recall that. Now, that's--that's a detail that I don't remember. I just proceeded to inform him that I had been in a meeting and that I was absolutely certain that the round with the MOIC applied is what we wanted.

Q And what was your basis for making that statement to him? What was the basis of your understanding with regard to the 1512?

A Well, I had been in several meetings, and, you know, as I mentioned earlier, in project office where I knew we weren't going to ship standard range unmodified.

Q And who was in those meetings with you?

A Well, the first meeting, George Williams, Chris Leachman, Gary Michael, I believe was there--

Q Spell the last name.

A M-i-c-h-a-e-l. I think that's right--and possibly Les Alkenburg; I wouldn't say for certain.

Q Spell Alkenburg.

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1 A A-l-k-e-n-b-u-r-g, I believe.

2 Q So, you very clearly understood that we were talking about the
3 1512, the basic TOW with MOIC?

4 A I plocked in on that because I certainly would not have wanted
5 to ship anything but the proper item.

6 Q And your sense is that Mr. Williams, Mr. Leachman, clearly knew
7 that's what we were talking about here.

8 A We discussed this. It was clear to everyone present that
9 that would be the item shipped.

10 Q When was the 71A2 created as a separate missile in the
11 inventory and in the AMDF?

12 A Well, that's a hard one. From memory, I would say that it
13 was in some part of fiscal '83. That could be verified from records,
14 but--

15 Q You told the Department of the Army IG it was about 1983,
16 so that would sound right, and it at that time became a standard Army
17 item, is that correct?

18 A Mm-hmm. All the necessary paperwork was processed to get it
19 into the AMDF, and certain forms have to be filled out, and certain
20 things have to be done in order to get stock number assigned. All of
21 those things were put into motion so that at or about that time, it
22 became a new item in the Army AMDF.

23 Q And if people knew that it was added as a new item--well, let
24 me put it this way. Who would have known it was added as a new item?

25 The people in the TOW project office?

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1 A Well, certainly the project people. As far as I know, this
2 was a project initiated, development, in conjunction with DA, possibly
3 TRADOC.

4 Q Was there a separate assembly line set up at Anniston Army
5 Depot to put those MOICs on in 1983?

6 A Yes, there was.

7 Q Do you recall who from Redstone had any involvement in setting
8 that up?

9 A Yes, I do. At project level, John Troy, T-r-o-y, since retired,
10 and then on the maintenance side of the house, Lee Bittle, B-i-t-t-l-e,
11 since retired, and several of us were on TDY, including myself; I was
12 there.

13 Q Do you know if Mr. Leachman ever physically went down and
14 had any involvement with the setting up of that assembly line?

15 A I couldn't answer that. I don't know.

16 Q Mr. Coward, I think that's about all the questions that I've
17 got. Can you think of anything that I've not covered that I should
18 go over with you or we should discuss?

19 A Not--not immediately. I can't think of a thing.

20 Q Do you recall anyone in this process ever raising the issue
21 that the figures that showed up on the MROs that you cut or that showed
22 up on any transfer documents that came from Anniston Army Depot weren't
23 the right ones, that they were too high, that the lower figure should
24 be used?

25 A You mean with regard to price?

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Q Right.

A I don't recall that that ever came up. This is the first time, to my knowledge, that I've heard that the depot arrived at a figure for the extended range that should have been applicable to the basic with MOIC.

MR. SAXON: Well, sir, let me simply say that, for the record, we appreciate very much your making yourself available, coming out of retirement and coming back to see us, and we appreciate your cooperation, appreciate your testimony.

WITNESS: It's my pleasure to be here.

[Whereupon, at 2:35 p.m., August 10, 1987, the taking of the deposition was concluded.]

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28 JUN 86

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THRU: <u>GREEN</u>		FROM: <u>GREEN - L-30-1</u>		DATE: <u>21 JUN 86</u>	
TO: <u>GREEN</u>		ITEM: <u>MANAGER'S ANAL-CB</u>		PHONE: <u>6-4115</u>	
NATIONAL STOCK NUMBER		UNIT OF ISSUE		QUANTITY	
<u>141441139512</u>		<u>EA</u>		<u>11464</u>	
DOCUMENT NUMBER					
<u>W 31 GSH 6328 DA 17</u>					
SUPPLEMENTARY ADDRESS (Ship To)					
<u>W 31 GSH 6328 DA 17</u>					
IN-THE-CLEAR ADDRESS (Ship To)					
<u>W 31 GSH 6328 DA 17</u>					
EXCEPTION DATA					
<input type="checkbox"/> APPROVED					
<input type="checkbox"/> DISAPPROVED					
JUSTIFICATION FOR TELEPHONE IPO 81-88 (CHECK APPROPRIATE BLOCK)					
<input type="checkbox"/> NECESSARY TO MEET SCHEDULED DEPARTURE DATE OF A VESSEL OR OTHER CARRIER					
<input type="checkbox"/> NECESSARY TO MEET SCHEDULED DEPLOYMENT DATE FOR AN OPERATION FORCE					
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<input type="checkbox"/> EMERGENCY REQUIREMENTS FOR MEDICAL AND DISASTER SUPPLIES					
<input type="checkbox"/> REQUESTION CONTAINS PRIORITY 81-88 IN COLUMNS 80-81 AND CODE 88 IN CARD COLUMNS 83-84					
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED					
OFF-LINE		MATERIAL ON RECORDS		DEPOT CONTACT:	
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NOTE: PRIORITIES 81 THRU 83 WILL BE ROUTED THRU DIRM-85 TO DIRM-80.					
PRIORITIES 84 THRU 86 WILL BE ROUTED DIRECTLY TO DIRM-80.					
ASSIGNED PRIORITY:		DATE		SIGNATURE OF APPROVING AUTHORITY	
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EXHIBIT P-3

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MISSILE TRAINING CENTER
NAVY MISSILE COMMAND
DAWSON
DODDSFIELD, ALABAMA 35898

AMP ADDRESS
W1P30
US ARMY MISSILE COMMAND
TRANS OFF
ROSTOME ARSENAL AL 3509

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UNIT MATERIAL MARKING OF
ROCKET AMMUNITION W/EXP
CLASS A EXPLOSIVE

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2. <u>BY</u>	2. <u>BY</u>
3. <u>REASON FOR CLEARANCE</u>	3. <u>REASON FOR CLEARANCE</u>
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Under provisions of E.O. 12356
By: M. Rieger, National Security Council

By J. Edgar, National Security Council

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AMMUNITION ARMY DEPOT, TCAO
ANNISTON, AL 36804 36281-5021
ATTENTION: SECURITY
TELEPHONE: 205/833-4330
TOLL FREE: 1-800-368-4330
RMO 029
TCM WJLSCM 6028 0017 NZX
YF A
US ARMY MISSILE COMMAND
10000 S. GULF AVENUE
RESTON, AR 35078

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by B. Reifer, National Security Council

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Shipment

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THRU: DRSMI - LC-AM-4				FROM: DRSMI - LC-AM-1ST				DATE: 16 MAY 60	
TO: DRSMI - LC-AM-DC				ITEM: MANAGER'S ANAL-CD MTH				PHONE: 6-4085	
DOCUMENT NUMBER		NATIONAL STOCK NUMBER		UNIT OF ISSUE		QUANTITY			
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								UNIT PRICE: 48435	
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								<input type="checkbox"/> APPROVED	
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JUSTIFICATION FOR TELEPHONE IPD 01-03 WRO (CHECK APPROPRIATE BLOCK)									
<input type="checkbox"/> NECESSARY TO MEET SCHEDULED DEPARTURE DATE OF A VESSEL OR OTHER CARRIER.									
<input type="checkbox"/> NECESSARY TO MEET SCHEDULED DEPLOYMENT DATE FOR AN OPERATION FORCE.									
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<input type="checkbox"/> REQUISITION CONTAINS PRIORITY 01-03 IN PRIORITY CODE AND CODE 000 IN CARD COLUMNS 02-04.									
<input type="checkbox"/> OFF-LINE									
<input checked="" type="checkbox"/> DEPT. CONTACT: 1131636									
NOTE: PRIORITIES 01 THRU 03 WILL BE ROUTED TO DRSMI-SS TO DRSMI-SD.									
PRIORITIES 04 THRU 06 WILL BE ROUTED DIRECTLY TO DRSMI-SD.									
ASSIGNED PRIORITY:					SIGNATURE OF APPROVING AUTHORITY				
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FORM 4 FOR 48, 1 AUG 77 PREVIOUS EDITION IS OBSOLETE
EXHIBIT P-17

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(see 4A-2)

extended range

NOTE: Dominated from extended range
 from 1987-1988

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ANNISTON ARMY DEPOT
ANNISTON, AL 36201

ANNISTON, AL 36201

Abstract

SEE HOW IT'S DONE

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Duplication

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Committee Hearings
of the
U.S. HOUSE OF REPRESENTATIVES

3619



Partial Declassification/Release on 18 AUG 87
under provisions of E.O. 12958
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DINKEL

AS

1
2
3
4 DEPOSITION OF
CRAIG P. COY

5 Select Committee to Investigate
6 Covert Arms Transactions with
Iran,
7 U.S. House of Representatives,
Washington, D.C.

8 Tuesday, March 17, 1987
9
10
11
12
13

14 The deposition convened at 10:05 a.m. in Room 328,
15 The Capitol.

16 Present: Neil Eggleston, Deputy Chief Counsel, House
17 Select Committee to Investigate Covert Arms Transactions With
18 Iran; George Van Cleve, Chief Minority Counsel, Select
19 Committee to Investigate Covert Arms Transactions With
20 Iran.

21 Also Present: C. Dean McGrath, Jr., Associate Counsel
22 to the President.
23
24
25

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1 MR. EGGLESTON: Would you swear the witness?

2 Whereupon,

3 CRAIG P. COY

4 having been first duly sworn, was examined and testified
5 as follows:

6 MR. EGGLESTON: Can we go off the record for a
7 second?

8 (Discussion off the record.)

9 MR. EGGLESTON: My name is Neil Eggleston. I am
10 Deputy Chief Counsel of the House Select Committee to
11 Investigate Covert Arms Transactions With Iran.

12 Also present is George Van Cleve, Chief Minority
13 Counsel.

14 Mr. McGRATH. If I may add at the outset,
15 Mr. Coy is here absolutely voluntarily of his own accord and
16 wishes to cooperate in every way he can with this
17 investigation as he has done since the outset and it is my
18 understanding that these proceedings are at a top secret
19 level and any discussions and the record of this will be
20 classified accordingly?

21 MR. EGGLESTON: That is correct. That was the
22 rest of my preamble which is to anyone who may be reading this
23 deposition after we take it, it is classified. It may be the
24 names of individuals, programs, various things which are
25 classified.

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1 Anyone who reads it should take care to make sure
2 that classified material is not revealed.

EXAMINATION

BY MR. EGGLESTON:

5 Q Mr. Coy, let me start by asking you some questions
6 about your background, if I may. What is your date of
7 birth?

8 A Date of birth is [REDACTED]

9 Q So you are 37 years old?

10 A Thirty-seven.

11 Q Where did you grow up?

12 A I grew up in a variety of locations. My father
13 was a career Army officer. I moved all over the country
14 and lived in Germany.

15 Q Where did you go to high school?

16 A Maryland, in Anne Arundel County, Anne Arundel
17 High School.

18 Q Where did you -- have you been to college or
19 the college equivalent?

20 A I went to the Coast Guard Academy, U.S. Coast
21 Guard Academy in New London, Connecticut, and graduated in
22 1972 with a Bachelor of Science degree. Subsequently
23 attended graduate school, Harvard Business School,
24 received a MBA in May 1983.

25 Q I would just like to take you fairly quickly from

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1 1972 up through mid-1985, just generally.

2 A Say that again.

3 Q From 1972 up through mid-1985, if you could
4 briefly summarize the various assignments or posts that you
5 have had during those time periods.

6 A 1972 to 1985. Graduated from the Coast Guard
7 Academy in June of 1972, went to San Francisco, served onboard
8 a Coast Guard cutter, the Resolute. Left there -- you want
9 exact dates?

10 Q No. Just best recollection. Approximate dates.

11 A About 18 months later, October, I think, 1973,
12 somewhere in that time frame, went to Navy Flight School,
13 Pensacola, Florida. Finished that and went to Coast Guard
14 Air Station, North Bend, Oregon in January or February 1975.
15 And stayed there until the summer of 1978, went to Coast Guard
16 Air Station at Cape Cod, stayed there until August of 1981,
17 attended Harvard Business School for two years, graduated in
18 the summer of 1983; came down to Washington.

19 I was selected as a White House Fellow, worked in
20 the White House in the Office of Policy Development. Went
21 back to the Coast Guard, following my fellowship here, worked
22 in an office on A-76, OMB Circular A-76, management improvement
23 efficiencies until June of 1985.

24 And I was sent over to work on the Vice President's
25 Task Force for Combating Terrorism.

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1 Q - Let me stop you there. During the -- could you just
2 review with me again briefly, you were a White House Fellow
3 in 1983?

4 A 1983, September 1983 until August or September
5 1984.

6 Q Where were you assigned during that time?

7 A In the Office of Policy Development. I worked for
8 a man named Jack Svahn, S-v-a-h-n.

9 Q What were your duties there?

10 A Special Assistant. I handled a couple of different
11 issues in a broad way. I looked at the budget process in the
12 preparation of the Fiscal Year 1985, I guess, budget. I
13 worked with the President's Commission on Industrial
14 Competitiveness. I worked on some issues on Veterans Affairs
15 and worked on some issues on Maritime Affairs.

16 Q What generally does that office do?

17 A Well, that office generally is the place in which
18 policies, domestic policies, are brought into the White
19 House and at the time there was a cabinet council system,
20 with seven cabinet counsels, and the issues and the papers
21 would be prepared and staffed and briefed and at cabinet level
22 meetings and sub-cabinet level groups, would be coordinated
23 and operated out of there.

24 Q When you returned to the Coast Guard, if I may
25 quickly summarize, you were essentially in a management

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1 finance type area?

2 A It was a management productivity improvement
3 task force, and it was to complement the OMB Circular A-76.

4 Q Who did you report to there?

5 A A man named Captain Jim Butler.

6 Q There comes a time then in June of 1985 when you are
7 assigned to the Vice President's Task Force on Terrorism?

8 A Yes.

9 Q I want to ask you a couple of questions about your
10 involvement in that task force and I take it your
11 involvement then -- with that task force, it goes from June
12 of 1985 up until March of 1986?

13 A Right.

14 Q Who was in charge of that task force below the
15 Vice President?

16 A The Executive Director of the task force was
17 Retired Navy Admiral James Holloway.

18 Q How many people were there on the task force? How
19 many professionals were there on the task force, not
20 including secretaries, paralegals?

21 A You mean, the task force staff?

22 Q Yes.

23 A It would be nine.

24 Q Could you give us the names of the nine people on
25 the staff?

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1 A Executive Director was Admiral Holloway; Deputy
2 Director was Ambassador Ed Peck. I was Admiral Holloway's
3 Executive Assistant. Lieutenant Colonel Bob Earl, Captain
4 Dave McMunn from the Navy, Captain Lou Boink from the Navy,
5 Colonel Dave Cole from the Army, Lieutenant Colonel Pat
6 Daly from the Air Force, and [REDACTED] from the CIA.

7 Q During the period of time you were working with
8 the Vice President's task force, did you come to meet a man
9 by the name of Donald Gregg, G-r-e-g-g?

10 A Yes.

11 Q What role did he have?

12 A He was the Vice President's national security
13 advisor.

14 Q Did you meet Craig Fuller?

15 A Yes.

16 Q What was his position?

17 A He was the Vice President's Chief of Staff.

18 Q You indicated that Mr. Earl-- and obviously you
19 later came to work with Mr. Earl when you went to the NSC --
20 was also involved in the Vice President's task force. Did
21 you work directly with him?

22 A Yes. I worked directly. We all worked together.

23 Q Let me ask it a slightly different way. You indicated
24 that you had a principal assignment as a special assistant.

25 A I was Executive Assistant to Admiral Holloway.

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1 Q -- What was his title?

2 A He was the Executive Director of the Vice President's
3 Task Force on Combatting Terrorism.

4 Q Mr. Earl², what was his title?

5 A I don't think he had a title. He was one of the
6 professionals on the staff.

7 Q Was he -- pardon me for phrasing this in a
8 colloquial fashion -- was he above you or below you in the
9 reporting scheme?

10 A I am not sure how that fits with what you are going
11 for. He is a Lieutenant Colonel. I was a Lieutenant
12 Commander.

13 Q Which is higher?

14 A He is higher, but the organizational structure was
15 that I worked as the Executive Assistant for Admiral
16 Holloway.

17 Q Right.

18 A Essentially was the traffic cop on papers and
19 handing out assignments. Admiral Holloway would like
20 something done. We would divide it up, attempt to divide
21 up the staff into areas of responsibility. So it was a
22 very flat organization. It wasn't a hierarchy. I was,
23 in terms of military rank, I was the junior guy on the whole
24 staff.

25 Q You were?

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1 A Yes.

2 Q Did you have an area of responsibility?

3 A My area of responsibility was Admiral Holloway's
4 executive assistant.

5 Q Did Mr. Earl have a substantive area of
6 responsibility?

7 A Yes. His area of responsibility as I recall was --
8 I guess I would call it -- first of all, one of his
9 responsibilities was we tried to come up with a definition of
10 terrorism because there was no accepted definition of
11 terrorism. Earl was given that responsibility to try to
12 craft a definition.

13 He was also given some responsibility for
14 collating the resources. We had gone out to the various
15 agencies and departments to try to get a handle on how much
16 money, how many resources, how many people were involved in
17 dealing with terrorism. So he worked on that project. He
18 worked on the -- broader topics of terrorism.

19 Others, for example, would be one guy had
20 public affairs. He was trying to keep track of what was said
21 in public by experts and non-experts and anybody else that
22 was out there.

23 We had a guy who was tracking legislation and
24 what people in Congress were saying with regard to terrorism.
25 We had another guy who was dealing with intelligence matters.

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1 That was [REDACTED] and his function. Another guy was
2 dealing with the military aspect, special forces, Boink was
3 doing that. It was that type of thing.

4 Q Did the Vice President's task force' activities
5 result in a report and recommendations?

6 A Yes.

7 Q Did any of the recommendations that were made by
8 the Vice President's task force relate to the NSC?

9 A Yes.

10 Q Were there suggestions for changes in the NSC or
11 changes relating to the NSC that came out of the report?

12 A Yes. There was a recommendation that suggested
13 that the NSC staff be strengthened, as I recall the words.
14 I would have to see the recommendation to get it for you
15 exactly. It was to strengthen the staff in the
16 coordination role of dealing with terrorism policy and terror
17 matters.

18 It was felt that terrorism was a broad topic
19 encompassing a wide variety of agencies and departments and
20 there needed to be more man hours applied to it at the NSC
21 level.

22 Q Was there a recommendation for the creation of a
23 separate directorate or anything like that inside the NSC
24 to deal with terrorism matters?

25 A I would have to read the recommendations to tell

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1 you exactly what it recommended. But the gist of it would be
2 that there would be an office for dealing with terrorism.

3 Q When did the Vice President's task force report
4 come out, as you recall, approximately?

5 A We had a couple of different versions based on
6 classification. The top secret version that went to the
7 President was signed and delivered on December 20, I believe,
8 just before Christmas, something like that.

9 And then we purged top secret and code word material
10 out of that report and issued a secret version to all the
11 agencies and departments. And then we re-crafted the entire
12 report to make it more readable and take it out of the
13 bureaucratic language that had resulted and put out a public
14 report which came out either the latter part of February or
15 the first part of March.

16 Q Did you go directly from the Vice President's
17 task force to the NSC?

18 A Yes.

19 Q When is the first time that you met at any time
20 during the course of your career Oliver North?

21 A I first met him when I was a White House Fellow
22 working in the Office of Policy Development. He was on the
23 NSC staff.

24 Q Did you have any substantive dealings with him at
25 that time?

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1 A It was very brief dealing. As I recall, it had
2 something to do -- I think there was a 1984 crime bill, and
3 there were some aspects of terrorism or something to do with
4 crimes. My boss had said see what you can find out about
5 what this means on some subject. I was given Ollie
6 North's name as the person to go see.

7 Q Did you have dealings with Colonel North during
8 the period of time you were with the terrorism task force?

9 A Yes.

10 Q Was he -- were those regular dealings?

11 A Not regular. The process we used was that we would
12 call in officials in Government dealing with terrorism as well
13 as people outside of Government and anybody else that had
14 something to say about terrorism and ask them to give us
15 their thoughts and ideas on how to deal with the problem.

16 He was one of the people that gave his
17 perspective on the problem. In addition, he was the staff
18 officer for material that was sent over to the NSC from the
19 task force, so we dealt with him on that basis, as well.

20 Q During the period of time that you were working
21 with the Vice President's task force, did you know what position
22 Colonel North held at the NSC?

23 A Yes. He was a Deputy Director for Political Military
24 Affairs.

25 Q Did you have an understanding who he reported to

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1 during this period of time now, I am asking, during the
2 period of time you were at the Vice President's task force?

3 A I am not sure I knew or recall. I think at the
4 time he reported through Fortier, down to Fortier.

5 Q Fortier was the Deputy?

6 A I think he was -- I think that was before he was
7 the Deputy. I can't recall.

8 Q Let me ask you when did you first meet, if you
9 ever did, Mr. McFarlane?

10 A Meet him? Or just -- what do you mean?

11 Q We will start with just meet him.

12 A I was a White House Fellow. He was a former
13 White House Fellow. At a function of some sort. I guess I
14 first met him or saw him when I was a White House Fellow and
15 we were going on an overseas trip. He came in and met with us
16 and briefed us.

17 Q Did you have any dealings with him when you were at
18 the Vice President's task force?

19 A Personally?

20 Q Yes.

21 A No.

22 Q When did you first meet Admiral Poindexter?

23 A I suppose it was sometime during the task force.
24 I can't remember specifically.

25 Q You didn't have any dealings with these people

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1 prior to the time you became involved at least as a White
2 House Fellow?

3 A No.

4 Q Did Donald Gregg work -- I understand you testified
5 that he was the Vice President's National Security Advisor.
6 Did he -- was he active in working on the Vice President's
7 task force?

8 A Yes. He was active. We had a process by which the
9 task force was a cabinet level participant and then we set up
10 a group we called senior review group, I think, which was just
11 below the level of the cabinet officers. He participated
12 at those meetings and he was also a point of contact for the
13 Executive Director into the Vice President's Office on matters
14 with the task force.

15 Q There were cabinet level people on the task force
16 as well? The task force was composed of cabinet level people?

17 A That is what the task force was.

18 Q My next question is who were they, if you recall?

19 A It would be in the report, but it is the
20 Vice President was the Chairman. Then it is virtually the
21 entire cabinet, I guess.

22 Q That is sufficient. Just generally.

23 A I am sure there were some cabinet officers that
24 weren't on it.

25 Q Do you recall approximately when it was in March

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1 of 1986 that you were assigned to work at the NSC?

2 A I think my records indicate the first of March.

3 Q How is it that you happened to be assigned to the
4 NSC?

5 A The formal way it happened was that there was a
6 letter that went over from the NSC to the Coast Guard
7 requesting -- I think that is what it was. But the informal
8 way in which it happened was there was a recommendation to
9 strengthen the NSC staff with some people to coordinate
10 the terrorism matters, and Admiral Holloway and Admiral
11 Poindexter discussed this, in trying to find out who should
12 and who shouldn't, where they should get the people. It
13 was my understanding that they figured we had invested six
14 months learning about the apparatus and the terrorism
15 policy, et cetera, that somebody from the task force would
16 make logical candidates.

17 Q Did -- there comes a time when Mr. Earle also
18 begins working at the NSC. Did you arrive before or
19 after or the same day as Mr. Earle?

20 A It was about the same time.

21 Q About the same time? Did you have an office when
22 you first arrived?

23 A No.

24 Q Where did you house yourself?

25 A We shared North's office for awhile and just --

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1 we just didn't have an office. We shared.

2 Q There comes a time when Mr. North -- if you will
3 pardon me, I will call everybody "Mr." -- there
4 comes a time when Mr. North has a suite of offices. He is
5 downstairs. There are two offices, you and Earl upstairs,
6 secretaries downstairs. When does that take place?

7 A Roughly the end of May, the beginning of June,
8 sometime about that time frame.

9 Q Do you remember the office number of the suite of
10 offices?

11 A When we moved into?

12 Q Yes.

13 A 302, I believe.

14 Q Where were you before that when you were housed in
15 Colonel North's own office?

16 A His old office was room number 392.

17 Q And you, North, and Earl were all three in his
18 office?

19 A Yes. Kind of temporarily. We would sit on the
20 couch or something.

21 Q That is what I was curious about. Did you have
22 desks?

23 A No.

24 Q Did he have a secretary at that time?

25 A Yes.

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1 Q One or more than one?

2 A Just one.

3 Q Who was that?

4 A Fawn Hall.

5 Q There comes a time when there are two secretaries?

6 A Yes.

7 Q And the second secretary's name is Barbara Brown?

8 A Right.

9 Q Does she arrive when the new suite is opened up?

10 A No. After that. I am getting August, but I might
11 be wrong on that.

12 Q I have been in Colonel North's office, as it is -- a:
13 apparently it looked during the period of time. When I say
14 "his office", his office in room 302. Could you compare the
15 size of his office in 302 to the size of the office at the time
16 the three of you were in there?

17 I just want a sense of how big this room was that on
18 a temporary basis ended up housing all three of you.

19 A Oh, it was very small. I am not very good at
20 dimensions.

21 Q That is why I was just going to go on the basis
22 of the office he had once he got to 302?

23 A The new office was bigger than the other office.

24 Q His own personal office was bigger than his old
25 office?

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1 A Yes.

2 Q And -- so you sat on the couch? There were no other
3 desks for you?

4 A No.

5 Q I take it if he got phone calls you would sit there
6 while he answered the phone?

7 A Depends. Sometimes we would. Sometimes he would
8 ask us to leave.

9 Q If he had a meeting, I take it he met with people
10 periodically during this time period?

11 A Get up and leave.

12 Q Did you always get up and leave if he had a meeting.

13 A Unless he asked me to stay, but that was very
14 seldom.

15 Q But generally, if he had a meeting scheduled, you
16 would get up and leave?

17 A Right.

18 Q Would he ask you to leave or would you just
19 automatically leave?

20 A I just automatically would go. It is kind of an
21 assumption that I would leave.

22 Q How about Mr. Earl? Did he automatically leave,
23 as well?

24 A He would generally leave, too.

25 Q During the time period March through November 25

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1 of 1986, to whom did Colonel North report?

2 A Say that again.

3 Q Well, if you have to break this down into time
4 periods --

5 A I just want to make sure of the dates.

6 Q I said basically during the time of March 1986
7 through November of 1986, to whom did Colonel North report?

8 A That is --

9 Q Too broad?

10 A I think so. Because it was -- it depends on the
11 subject, I guess, or how the process worked. But the way I
12 would describe it --

13 Q Okay.

14 A -- and the way I followed it or tried to follow it
15 was in memos, how memos went. Memos were prepared by -- it
16 is my understanding -- virtually everybody on the staff. It
17 would be from the officer to Poindexter or to the National
18 Security Advisor and then there would be a series of
19 clearances. The process would take the memo from the officer
20 to the executive secretary through the deputy into the
21 national security advisor.

22 Q Okay.

23 A I did not see or -- it was not my understanding
24 that there was a direct chain of command, linkage between
25 North and, say, Teicher or somebody else.

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1 Q -- That is what I was going to ask you.

2 A Teicher was involved as the Director of the
3 Political Military, but there was -- it wasn't from my
4 perspective as a military guy a chain of command type of
5 relationship.

6 Q Would it be fair to say that Mr. North operated his
7 own directorate of political military affairs?

8 A I don't understand the question.

9 Q It is not your understanding that he reported,
10 for example, to Mr. Teicher who at least on paper appeared to
11 be the Director of Political Military Affairs? At least
12 on paper, it appears that Colonel North is the Deputy
13 Director, or during various periods of time was the Deputy
14 Director.

15 I take it, though, it was not your understanding
16 Colonel North reported to Mr. Teicher?

17 A Not in a -- I didn't view it myself as a
18 formal way. I viewed it as a very -- NSC as being a very
19 flat organization. Each officer had some area of
20 responsibility or some function that they were
21 responsible for and the way actions got handed out would be --
22 come from the executive secretariate, it would be an action
23 that would go to some action officer, for example, North.
24 Then on the action generating document, it would say who you
25 are supposed to coordinate with to make sure that other people

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1 on the NSC staff are cognizant of what you are doing and that
2 type of thing. So it was that type of arrangement.

3 Q Let me ask it this way. I understand that you
4 didn't say the whole range of what was going on, but did
5 Colonel North as Deputy Director of the Office of Political
6 Military Affairs have a different type of relationship
7 with Teicher than the deputy for some other directorate?

8 A I didn't view it was too different other than, you
9 know, in personalities and forcefulness, what not. In terms of
10 actual relationship, I didn't see, for example, Stark -- Jim
11 Stark or anybody else in there having the formal mechanism
12 either.

13 Stark had his areas of responsibility, and they work
14 together. It was more -- seemed to be more of a collegial
15 or flat process rather than a formal military type chain of
16 command.

17 Q Were you involved in all the activities -- let me
18 ask it in a different way.

19 Let me ask it this way: What was your principal
20 area of responsibility when you were working at the NSC?

21 A Well, it was terrorism, that was my area of
22 responsibility, and I subsequently had a sub-area, sub-
23 specialty of maritime affairs, just because there was nobody
24 on the staff that had any background in merchant marine affairs.
25 They said why don't you do some of that. There wasn't really

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1 that much going on on that issue.

2 In terms of terrorism policy, I got involved in
3 matters dealing with legislation, for example, the
4 Omnibus Diplomatic Security and Anti-Terrorism Act, in the
5 interagency process with that. In follow-up on the
6 implementation of the Vice President's task force report,
7 another project was overseas staffing levels. There was a
8 study, a report going on with that.

9 Q Did you ever report -- did you ever report to
10 Teicher or did you only report to North?

11 A No. I didn't report to Teicher. I worked with North.

12 Q Did Mr. Earl have a different area of -- other than
13 the maritime part, did Mr. Earl have different areas of
14 responsibility than you did?

15 A Well, he, again, was -- he was put in the broad
16 category of being responsible for terrorism.

17 Q Right.

18 A But he focused more on things dealing with
19 intelligence and CIA and with the military aspects of the
20 problem.

21 Q And you regarded your area as being more
22 legislation?

23 A Yes. We didn't have a definitive break, but it was,
24 as things would come in the door for action, we would kind of
25 pick and choose which ones we wanted to, and which you had an

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1 interest-in. I had more interest in the budget and legislation
2 and those types of things, and he had more of an interest
3 in the intelligence and military things. But all the actions
4 came in with North as the action person.

5 Q They call came in through North?

6 A Yes. Addressed to North.

7 Q And then North would assign them to either you or --

8 A Either assign them or they would come in and
9 they would be in the in-box. You would find one that needed
10 to get done and just let's get the job done.

11 Q When is the first you learned Mr. North was
12 involved in negotiations sending arms to Iran?

13 A Would have been right before McFarlane's trip,
14 two or three days before the McFarlane trip.

15 Q So through the time period March, April, and sort
16 of into mid-May of 1986, you were unaware that he was
17 involved?

18 A That is correct.

19 Q Did you have access to -- I take it you had a PROF,
20 a computer with access to PROF?

21 A I don't think I did until I got into the new
22 office.

23 Q That would have been late May or early June?

24 A I may have, but I don't recall. Because I didn't
25 have a terminal of my own.

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1 Q -- Did you have your own -- if you recall, prior to
2 the time you moved into the new offices, did you have your
3 own code words?

4 A Prior to?

5 Q Yes. By "code word", I mean code word to get
6 into the PROF system.

7 A I don't think I had -- I don't think -- I don't
8 know when I got into the system, but -- exactly. I don't
9 think I had it before I got into the new office.

10 Q Were you authorized to read Colonel North's
11 PROFs messages during this period of time?

12 A No. I couldn't log in. I didn't know his password.

13 Q It is conceivable that he would have given you --
14 and I take it this is not what happened, but it is conceivable
15 he would have given you his password and said would you review
16 my stuff and put on my desk ^{what} ~~that~~ you think is important.
17 I take it that is not what happened?

18 A No.

19 Q Was there something called a crisis management
20 center?

21 A Yes.

22 Q What was that?

23 A That was essentially a computer operation. Its
24 agency or function was separate from the NSC. In other
25 words, it was funded by DOD. Earl~~l~~ and I were administratively

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1 attached to the Crisis Management Center. We were told that
2 we were attached there for administrative purposes because
3 there were too many people on the NSC staff. They had a
4 personnel limit type of thing.

5 We were attached to the Crisis Management Center.
6 And their functions were to serve as analysts, computer
7 experts. The idea being to build a system, computer
8 based system that would aid decision makers in a crisis.

9 Q Where was that located physically?

10 Was there a particular place where the Crisis
11 Management Center was located?

12 A Well, the office -- the head office was catty-
13 corner and across the hall from our suite of offices, across
14 from 302. It would have been 303 or something like that, I
15 guess.

16 Q So when you first were brought into the NSC, you were
17 really brought in at least administratively if someone had
18 looked at the payroll sheets or something, they would have
19 seen you being attached to the Crisis Management Center?

20 A I think that is the way it was the entire time.

21 Q Who ran the Crisis Management Center? Who was the
22 principal person?

23 A A guy named Captain Ron St. Martin.

24 Q Ron St. Martin?

25 A Yes.

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1 Q --Did you do any work for the Crisis Management
2 Center?

3 A Not directly. If Ron asked me to do something, I
4 would have done it.

5 Q You were not regularly doing work for the Crisis
6 Management Center?

7 A No. It was my understanding we were assigned to the,
8 with North to the terrorism business.

9 Q Did -- but Colonel North was assigned to the NSC,
10 not to the Crisis Management Center?

11 A That is right.

12 Q How is it that you first learned that Colonel
13 North was involved with negotiating with Iran concerning the
14 sale of arms? What occurred that alerted you to that fact?

15 A I don't recall the specific instance or the moment
16 in history in which I had this crashing revelation. But as I
17 said, we were working in the same office, and after awhile,
18 it is hard to not overhear things. So North had asked
19 Earl to perform some back-up functions for him, to assist
20 him in getting ready for the trip. I overheard something
21 about that and I asked Earl about it. He was hesitant
22 to say anything because I was not witting of what was going on.
23 So I probably pushed him a little bit on it. Saying -- I
24 am sitting here, this is a little silly, I am going to have
25 to know something about it. So he -- I assume -- went to

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1 North. He said this is -- we can't keep this up. It is making
2 it uncomfortable for me because I am sitting on the couch
3 next to Craig, that type of thing. So North told me that he
4 had asked Earl to do some preparations and help him back up --
5 as a back-up for the trip to Tehran. And that is what was
6 going to happen.

7 Q Do you recall him telling you -- do you recall a
8 specific time where North briefed you or told you about what
9 was happening with regard to the trip to Tehran?

10 A I don't remember a specific sit-down type of
11 briefing type of thing, but I recall asking questions about wh
12 we are doing this, how this was all happening. He had said
13 it was authorized by the President and McFarlane was going to
14 go on this trip. I guess that is about it essentially. Some
15 of the details of who was going to go, that type of thing.

16 Q Did you understand -- McFarlane ends up leaving
17 around May 25 of 1986, I think, according to the various
18 chronologies. I assume that is a reasonably accurate date.
19 Do you have any recollection of how much prior to May 25 that
20 you were advised by North about the project?

21 A I can't recall exactly, but it wasn't much. That
22 is why I say it was two or three days.

23 Q Did you know at that time that these Hawk spare
24 parts were going to accompany McFarlane?

25 A Yes. I knew that some spare parts, some electronic

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1 spare parts or missile spare parts.

2 Q Were going to accompany the trip?

3 A Yes.

4 Q Did you have any conversation with Colonel

5 North prior to the time McFarlane left about whether -- let
6 me ask it this way first.

7 Did you know it was with reference to an
8 initiative relating to the hostages?

9 A Yes, I knew that.

10 Q Did you have any conversation, if you recall,
11 with Colonel North about whether or not this was a good idea?

12 A I don't recall a conversation along those lines
13 specifically, no.

14 Q You were never asked that you recall for your input
15 about whether this type of initiative was a good policy
16 decision?

17 A From my perspective, the decision was made. It
18 was not a -- open for debate. It was something that had already
19 been decided and the President had approved and it was going
20 to happen. So it was not subject to what I thought or what
21 anybody else thought. It was -- this is what was going to
22 happen.

23 Q Right. Were you aware that there had been a
24 presidential finding?

25 A To tell you the truth, I didn't know what a finding

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1 was at the time. That was something that was a new term of
2 art to me, but I was told that the President had approved it
3 and signed some piece of paper. If he used the word "finding"
4 and he probably did, it would have -- I didn't understand it.
5 I did not see it.

6 I was told that it was something that the President
7 had signed that authorized it.

8 Q Did you have any knowledge at that time about
9 various congressional notification requirements?

10 A No.

11 Q Did -- as of this time period up until the time
12 McFarlane leaves on his trip to Tehran, were you aware that
13 there had been other shipments of military goods to Iran?

14 A I don't think so. I don't think I knew that.

15 Q Have you read the Tower Commission Report?

16 A Yes. I breezed through it pretty quickly.

17 Q To the extent you could read that lengthy
18 document. You now know there were shipments at least --

19 A Yes. I know now.

20 Q Did you, at least in February of 1986, there
21 was a transaction of a thousand TOW missiles directly from
22 the -- not directly, but from the United States through
23 various intermediaries to Tehran or to the Iranians. Were
24 you aware of that?

25 A In February?

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1 Q - I know you weren't aware of it in February. By
2 the time of the McFarlane trip, were you aware that
3 transaction had taken place?

4 A I don't think I was.

5 Q Do you have any recollection of when the first time
6 was that you learned that transaction had taken place prior
7 to the McFarlane trip?

8 A I can't recall any time other than when the
9 chronology was being prepared.

10 Q I am going to try to keep this deposition somewhat
11 chronological, too. So I will get to that in a few minutes.

12 Similarly, as to the two transactions which took
13 place through Israel, I take it you didn't know of those
14 until the chronology was being prepared in November of 1986.

15 A No.

16 MR. McGRATH: Which two are you referring to?

17 MR. EGGLESTON: The August/September of 1985
18 and November of 1985. Those transactions involving Israel.

19 THE WITNESS: No.

20 BY MR. EGGLESTON:

21 Q Did you have any role in McFarlane's trip? Did
22 you provide any support, any back-up?

23 A Not directly. Since I was ~~now~~ aware of it,
24 Ollie told me not to tell Poindexter that I was aware of it,
25 because he was concerned with the operational security, and

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1 too many-people being aware of it. So Ollie said I will
2 tell you about it, but don't tell Poindexter, you know,
3 about it because he doesn't know you know about it. So
4 Earl was the one designated to be the point of contact. So
5 I would sit with Earl when he got messages and did things like
6 that. I think one of the things we tried to work on was
7 press guidance, what to say if the thing was exposed in some
8 way.

9 Q Do you recall what that press guidance was? What was
10 it that you were prepared to say?

11 A Very difficult.

12 Q In the event it was exposed?

13 A As I recall, there were three scenarios. One was
14 that if it was just -- let's see. I think there were
15 three scenarios. I can't recall exactly.

16 One was if Poindexter is captured or taken --

17 Q McFarlane?

18 A What^a did I say?

19 Q You said Poindexter. I think Poindexter stayed in
20 Washington.

21 A Yes. If McFarlane is taken hostage in some way,
22 the group is taken hostage, two would be if the trip is exposed
23 while he is there.

24 Q By exposed, you mean publicly?

25 A Publicly exposed. The third one I can't remember

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1 exactly what it was. There must be --

2 Q I suppose one of them would be all the hostages being
3 released?

4 A Yes. I guess that probably is it. I can't recall.

5 Q Did you know who else was going on the trip besides
6 Mr. McFarlane and Colonel North?

7 A Yes.

8 Q Do you recall today who else went on the trip?

9 A McFarlane, North, Teicher, Cave, and Nir. And two
10 CIA communicators.

11 Q Were you involved in communications or any other
12 aspects during the period of time that Colonel North and
13 Mr. McFarlane were in Tehran?

14 A I don't think I was personally. I think I was
15 probably there when Earl received something, but I was not
16 personally.

17 Q Did you have any knowledge as of this time, as of the
18 time, when I say this time I mean late November of 1986,
19 about the method by which these transactions were to be
20 financed, or this transaction, the sale of spare parts
21 was to be financed?

22 A Ask it again.

23 Q I am sorry. As of the time that McFarlane went on
24 this trip, I take it by this time you knew we were going to
25 be selling spare parts to Iran.

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1 -- I think you indicated --

2 A You are talking about what I knew at the time of the
3 McFarlane trip?

4 Q Yes. I want to ask it first as of the time of the
5 McFarlane trip.

6 A I don't think I knew anything about financing at
7 the time of the McFarlane trip.

8 Q Did there come a time when you learned about how the
9 McFarlane trip spare parts had been financed, had been sold to
10 Iranians?

11 A No. Not -- if you are talking about that
12 transaction?

13 Q Right.

14 A Specifically, no. I, frankly, never really
15 got a bubble on how all the transactions were being
16 financed. I thought I had some general sense, but I didn't
17 know any of the specifics.

18 Q At what time did you have a general sense?

19 A Later. Like August, September, October. Later. It
20 was.

21 Q Right. What was the sense you had about how this
22 had been financed?

23 A It was not anything I was part of, but as I
24 understood it, there was established an account in
25 Switzerland. The CIA was establishing an account in

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14

1 Switzerland that would receive money for the arms and then the
2 money would be taken out by the CIA and given to DOD for the
3 weapons. The money was being put in originally by some
4 middlemen, Ghorbanifar, I guess, and then subsequently it
5 was attempted to make it so it was straight from the Iranians.
6 That was my understanding.

7 Q That was your understanding? Straight from the
8 Iranians to the CIA account?

9 A Yes.

10 Q Do you know a man by the name of Richard Secord?

11 A Yes.

12 Q When did you first meet Richard Secord?

13 A Let me tell you how I -- the sequence. I saw
14 him in the office shortly after I arrived in March. He
15 would come in the office, but we were never introduced. It
16 was, I am a friend of Ollie's, and hi, I am Craig Coy, hi,
17 I am a friend of Ollie's.

18 Q So he didn't give his name?

19 A No. I was kind of given the hint not to ask
20 questions, not to -- it was none of my business. So, fine.
21 So, later I finally found out who he was and put names and
22 faces together.

23 Q Had you -- do you know of the name Copp? C-o-p-p.

24 A Yes.

25 Q Did you know that to be another name that Mr.

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1 Second used?

2 A Yes. I finally pieced that together after a while.

3 Q I am sorry?

4 A I finally pieced that together after awhile.

5 Q Did Colonel North have a code machine in his office?

6 A Yes.

7 Q Do you know what kind of code machine it was? Do
8 you know the number?

9 A I used to know the number. I can't remember. It
10 was a TRW, said TRW on it.

11 Q KL-43
12 AG-43?

13 A That could be it. Sounds familiar.

14 Q And it is my understanding that its keyboard, you
15 type out a message, press a button, there is a burst, a
16 burst of material [REDACTED]

17 [REDACTED] to another machine that is set up to receive these
18 messages; is that right?

19 A Yes.

20 Q Do you know where Colonel North had gotten his
21 machine?

22 A Well, I read it in the Tower Report. He got it from
23 the NSA.

24 Q Prior to the time you read the Tower Report, did
25 you know where he got it?

A Just that he had gotten it from the intelligence

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1 community.

2 Q Did you know who he was communicating with through
3 that machine?

4 A I knew that Secord had a machine.

5 Q How did you know that?

6 A Because he would send messages in.

7 Q I will get back to those, but let me find out first
8 who else you knew or thought had a machine.

9 A North had one, Secord had one, and there was one in
10 Central America somewhere.

11 Q What led you to conclude that?

12 A Messages would come in.

13 Q Were they -- did they have a name on them?

14 A Not that I recall, but the guy -- the guy who
15 would call occasionally from Central America would be a guy
16 named Colonel Steele, Jim Steele. A guy named Bob
17 McAllister would call, send a message in. He worked for
18 Secord. I don't know if he had one or used Secord's.

19 Q Okay.

20 A Those are the only ones I know for sure. I think
21 there were more.

22 Q Do you recall a man by the name of [redacted] in Central
23 America having one? Do you recall any messages being
24 received from a guy named [redacted] (P)

25 A Doesn't sound familiar.

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1 Q - Doesn't sound familiar?

2 A It doesn't.

3 Q Let me understand. What happened when somebody
4 would call up? Would they say I am about to send you a
5 message over the code machine?

6 A Somebody would call and say I have a code message.
7 Generally Fawn would take it, plug it into the machine.
8 Sometimes Bob would do it. Occasionally toward the end,
9 you know, in October sometimes I would do it.

10 Q Where was the machine located?

11 A In Ollie's office. There was one in -- eventually
12 Bob had one in his office, and then I think -- I never had one
13 of my own. I would bring one in in October. I was bringing one
14 in, if I was the only one around.

15 Q So, eventually Bob has his own? So there are two
16 in the office?

17 A Yes. I think so.

18 Q When you say you would bring one in?

19 A I would take Bob's from his office if he was gone ^{and}
20 take it into my office.

21 Q During the period of time that -- from March until
22 May, until the time you moved into the new suites, did
23 Colonel North have one of these machines during that period
24 of time?

25 A March to May? I don't know. He could have. I

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38

1 just don't know.

2 Q You don't remember?

3 A I don't remember.

4 Q Was it attached? Was the machine attached to -- or
5 could it be attached to a printer?

6 A Yes.

7 Q If it is not attached to a printer, does the message
8 just read out on some --

9 A On the display.

10 Q On the display.

11 Did Colonel North or whoever was doing it on behalf
12 of Colonel North, did he print all his messages out?

13 A I think so.

14 Q It is not your recollection that he would just read
15 it off the screen and let it disappear?

16 A I think generally it would be printed.

17 Q Printed off?

18 Let me get back to the messages that were
19 received from Secord. Were they signed "Secord"? Or did he
20 use Copp?

21 A Both, I think.

22 Q And I take it that you recall some that related to
23 the Iranian initiative that may have taken place?

24 A Yes. I saw, mostly after August or September is
25 when I ^{SAW} ~~seen~~ them more routinely.

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39

1 Q -- You may have read the Tower Commission that
2 there are a series of about 20 or so of these messages out of
3 the spring of 1986 that relate to Central America. Do you
4 remember that in the Tower Commission Report?

5 A I didn't focus on it. I wouldn't be surprised.

6 Q Do you recall receiving or reading any messages
7 from Secord either under the name Secord or Copp in the
8 spring of 1986 relating to Central America?

9 A No. Not in that time frame.

10 Q Did you know Secord was involved in Central
11 America?

12 A When?

13 Q In the spring of 1986?

14 A Did I know? I didn't know. I assumed.

15 Q And what led you to assume that?

16 A Because one of Ollie's accounts or one of his
17 areas of responsibility on the NSC was contras and
18 Nicaragua and these guys would come in. So far as I could
19 tell, they obviously generally new terrorism, so I am sure th
20 had something to do with Central America.

21 Q Let me just cover the other people that you knew
22 had these machines. You said a guy by the name of Bob
23 McAllister could send messages?

24 A Yes.

25 Q Do you know whether Bob McAllister was this person?

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40

1 true name?

2 A I found out after all of this happened that -- I
3 am pretty sure his name is Dutton.

4 Q Dutton?

5 A Dutton.

6 Q Why do you think the person you thought was
7 McAllister, his true name was Dutton?

8 A I can't remember exactly. It was kind of
9 confirmed -- it was confirmed to me one time when I was talking
10 to Armitage about it. He said -- he was surprised I didn't
11 know that.

12 Q When was this conversation with Armitage?

13 A Oh, I don't know. November, December sometime.

14 Q Of 1986?

15 A Yes.

16 Q What is it -- did you know Armitage?

17 A Yes.

18 Q Do you know him well from your --

19 A No, not well. He is an Assistant Secretary of
20 Defense. He would come over and attend meetings in North's
21 office. Some of those meetings I would sit in on. They
22 were OSG meetings.

23 Q I was going to ask about the OSG meetings. I
24 sort of threw my notes aside here. Let me just finish
25 off this conversation with Armitage.

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1 -- Do you know whether this was before or after
2 Colonel North was fired?

3 A That conversation was after North was fired.

4 Q After North was fired?

5 A Yes.

6 Q How did McAllister's name happen to come up in the
7 conversation with Armitage?

8 A I don't know. We were chatting about something.
9 About all the things that were transpiring, and all the
10 different people that were involved. It came up.

11 Q Do you know -- I take it this was a fairly casual
12 conversation. I don't want to overly press you on something
13 you may not remember that well. Was it your impression
14 that Mr. Armitage knew who Mr. McAllister was?

15 A I thought he did, yes.

16 Q You thought he did?

17 A Yes.

18 Q Any other names come up in that conversation
19 by way of code names that you call?

20 A Not during that conversation.

21 Q Do you recall what kinds of messages or what the
22 messages were that McAllister sent to Colonel North?

23 A They would have information about re-supplies to ^{the}
24 contras.

25 Q Military re-supplies?

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1 A --Yes.

2 Q Were they -- did they relate on occasion to
3 military needs of the contras?

4 A They could have. They would come in. If I happened
5 to see one, I would scan it and pass it on. It was nothing that
6 I was responsible for.

7 Q You were not involved?

8 A I was not involved. I knew it was military
9 equipment in Central America, pass it on.

10 Q Did you know Colonel North was involved in
11 military re-supply for the contras?

12 A When you say that he was involved with military
13 supply, I knew he was involved with Secord and McAllister
14 and receiving messages. I was not -- I knew he was giving
15 speeches and talks to private groups.

16 Q Right.

17 A But I wasn't -- really wasn't aware of the level
18 or the depth of his involvement.

19 Q Do you recall anyone else other than Secord and
20 McAllister with whom he dealt relating to the actual re-
21 supply operation, or the actual re-supply needs of the Central
22 American contras? Who was it? Who was it under your
23 impression who was down there doing it other than Secord
24 and McAllister?

25 A In Central America?

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1 Q Yes.

2 A I don't know of a name down there. Like I say,
3 there was a guy named Steele who was with SOUTHCOM who would
4 call up. I think he was on Galvin's staff. I am not sure.
5 I don't know anybody that was right down there. I don't
6 recall the name of anybody who was down there who would call
7 up.

8 Q This Colonel Steele who would call up on
9 occasion, did you know the reason he was calling? What
10 is it that he talked to North about, if you know?

11 A I don't know. He wouldn't --

12 Q He didn't talk to you?

13 A The way I would know it, if nobody else was
14 around, I would answer the phone. He would say it was
15 Steele [REDACTED] and wanted to talk to Ollie. I would
16 say he is not here, do you want to leave a message? No. Just
17 tell him I called.

18 Q To the best of your recollection, he never left a
19 substantive message with you?

20 A Not that I can recall.

21 Q Did you have any involvement personally in the
22 part of Ollie's work that dealt with the contras?

23 A No.

24 Q Did Mr. Earle have any involvement in that part of
25 Ollie's work?

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1 A --Not that I am aware of.

2 Q Was there anybody other than -- who else at the
3 NSC staff other than you knew of, Poindexter, Earl⁶, and
4 yourself, who was aware of the McFarlane trip and the
5 Iranian initiative? Did you know of anyone else who had
6 knowledge of it?

7 A Of the McFarlane trip?

8 Q Yes. You testified earlier that you were told
9 don't tell Poindexter, you know, because we are trying to keep
10 security tight or something. Other than Poindexter, North,
11 Earl⁶ and yourself, do you know of anyone else who knew?

12 A I read something about that in the Tower Commission
13 Report.

14 Q That aside.

15 A I am trying to think of what I knew at the time.
16 If Fortier wasn't sick, I assume that he would know.
17 Paul Thomson would know.

18 Q Why do you think Paul Thomson would know?

19 A Because as far as I could tell, he was involved and
20 knew everything that Poindexter knew. He was -- he may even
21 have had one of those little machines. I don't know.

22 Q He might have had one of the --

23 A The KL-43 things.

24 Q Do you have a recollection he had such a machine?

25 A No, but I wouldn't be surprised if he had one.

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45

1 If North wanted to communicate with Poindexter when he was
2 gone or on the road, Thomson would be with him. But I don't
3 know that for a fact.

4 I wouldn't be surprised. Obviously the President
5 knew. ~~REDACTED~~, I assume, knew. And then -- I am going back to
6 the Tower Commission Report.

7 Q I don't want you to do that. That I can read. I
8 just want to figure out other people that you knew.

9 A I think that was all that I can recall.

10 Q Did you know a man by the name of Robert Owen?

11 A Yes.

12 Q Did he have a relationship with Oliver North?

13 A He would call on the telephone and come into the
14 office.

15 Q Do you know what it was that he was discussing with
16 North?

17 A Central America.

18 Q How often did he come into the office that you know
19 of? Once a week?

20 A I would be wrong in anything I said in terms of --

21 Q Twice a month? Four times a month? Every two
22 days? I am just --

23 A Not every two days. Probably not even once a week.
24 It was maybe once every two weeks, twice a month, three
25 times a month. Something along those lines.

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46

1 Q -- Did you -- how was it that you knew he was
2 discussing Central America?

3 A I can't think of a reason or a way I found out
4 specifically other than I knew it wasn't terrorism. So it
5 was Central America.

6 Q Did you ever participate in any of the
7 conversations that North had with Owen?

8 A No.

9 Q Did you know what Owen's job was, what his official
10 position was?

11 A I knew it was some relationship or he had something
12 to do with something in the Nicaraguan assistance --
13 humanitarian assistance office, NAHO, or something like that.

14 Q You knew he was assigned to that office?

15 A I knew he had something to do with it, yes.

16 Q Did you know a man by the name of Spitz Channell,
17 Carl Channell?

18 A Yes.

19 Q Did he have a relationship with Mr. North as well?

20 A Yes.

21 Q Again, I know whatever answer you give is just
22 your best estimate, but did he come by the office on occasion?

23 A On occasion he would come by.

24 Q More or less frequently than Owen would you think?

25 A Less. I would say less.

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1 Q And --

2 A Call quite a bit, though.

3 Q He would call quite a bit? Did you answer the
4 phone on occasion?

5 A Yes.

6 Q Did he ever leave substantive messages with you
7 to pass on to North?

8 A No.

9 Q Do you know the reason he was contacting North?

10 A Subsequently, you know, from all the reports and
11 I knew that he was a fundraiser. It had something to do with
12 raising money.

13 Q Did you know the names of his organizations?

14 A I couldn't keep them straight.

15 Q You couldn't keep them straight?

16 A No.

17 Q Had you heard of NEPL, the National Endowment for
18 the Preservation of Liberty?

19 A Yes. I had seen that before, yes.

20 Q How about the American Conservative Trust or the
21 American Conservative Movement?

22 A Probably saw that one, too.

23 Q Did you know they were organizations that -- with
24 which Channell had an affiliation?

25 A Not really, no. I don't think I put those things

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48

1 together.

2 Q Did you have -- you indicated that Channell was a
3 fundraiser. Did you know that he was a fundraiser for the
4 contras?

5 A I guess I assumed so. That is why he would be
6 calling. That is why he was in to see Ollie.

7 Q You don't have any more direct way of knowing?
8 You knew it was not part of terrorism?

9 A It is something he called anti-terrorism committee,
10 or something like that. I couldn't figure out what the hell
11 that did.

12 Q You mean Channell did?

13 A Yes. The only way I -- the only direct knowledge
14 I had of any fundraising or any activities of Channell
15 was invitation to attend an election night reception
16 at the Willard Hotel. Fawn had gotten everybody in the
17 office tickets.

18 My wife wanted to go see the Willard, so we went to
19 see the Willard. We had dinner there, went through the
20 buffet line, ate in the hallway because there were no tables
21 available left. But I didn't pay for any money, any
22 tickets. I didn't see any money transacted.

23 Q Did you know a man by the name of Richard Miller?

24 A Yes.

25 Q Did he come by the office, as well?

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43

- 1 A -- Yes.
- 2 Q Did you know the reason he was coming by the
3 office to speak to Colonel North?
- 4 A Not specifically.
- 5 Q Again, you assumed it was Central America?
- 6 A Central America.
- 7 Q There is a company called International Business
8 Communications. Did you know that was Miller's
9 corporation?
- 10 A I think I saw a business card with his name and that
11 name on there.
- 12 Q Did -- in the time period the spring of 1986, did --
13 how often did Mr. Second come to Mr. Miller's office?
- 14 A Spring of 1986?
- 15 Q Yes.
- 16 A Off and on. I can't remember.
- 17 Q Did anybody ever come with him?
- 18 A Yes. I am pretty sure -- yes. I am pretty sure
19 somebody did.
- 20 Q Do you know who it was?
- 21 A No.
- 22 Q Did you ever get that person's name? Was it a
23 male? A man?
- 24 A As far as I know, it was always a male.
- 25 Q Was it always the same person?

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80

1 A - I can't remember. Second is the only face that I
2 recall and got to know subsequently.

3 Q When did you get to know him subsequently? He was
4 around during the chronology drafting?

5 A Yes. I knew him prior to that. So it was
6 August, September, October. Well, before October. August,
7 September.

8 Q Did you ever discuss with him his activities in
9 Central America?

10 A No, not directly.

11 Q Not directly. That sort of begs my question. Did
12 you ever discuss it with him indirectly? I am not sure ^{what} ~~that~~
13 you mean by not directly.

14 A No. I didn't have any conversations with him.

15 Q Did you know a guy by the name of Felix Rodriguez?

16 A I didn't know him. I knew the name.

17 Q And how did you know the name?

18 A I can't remember the sequence of events, which
19 came first, but one event is when it was Felix Rodriguez
20 was publicly linked with Don Gregg. Another event, I can't
21 recall which is first, Ollie mentioned Felix Rodriguez before
22 he went on a trip. He went on vacation. He said
23 Felix Rodriguez -- he was telling Earl^R and I this, while he
24 was on vacation, he said, Felix Rodriguez may call. He gave
25 some indication that he was a nut; he was a friend of

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1 Don Gregg's, not to do anything.

2 Q Not to make sure he got in touch with him on vacation.

3 A Yes.

4 Q To your knowledge, did Felix Rodriguez ever --
5 and when I say "ever", I mean March through November of 1986 --
6 ever call and speak to Oliver North? Did he ever call?

7 A Not that I know of. I didn't answer the phone.

8 Q Right. It sounds like on occasion you -- if
9 you were around, you would pick up the phone.

10 A The secretary would come in late, be gone, be
11 busy, something like that.

12 Q You would pick up the phone?

13 A Yes.

14 Q To your knowledge, he never called?

15 A Not that I am aware of.

16 Q Did you know a guy by the name of Rafael Quintero?

17 A I heard the name. I wouldn't recognize him if I
18 saw him.

19 Q Did he ever call the office?

20 A I don't know.

21 Q You now learn that at least there is a suggestion
22 that part of the proceeds of the sale of arms to Iran were
23 diverted to the contras and there has been a suggestion that
24 Colonel North was involved in that. Did you have any --
25 other than what you read in the newspaper or the Tower

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1 Commission Report or something subsequently, do you have
2 any knowledge of that?

3 A No.

4 Q What does the word Project Democracy mean to you
5 in connection with Colonel North? Was there something that he
6 called Project Democracy?

7 A It was -- as far as I knew, it was a slang or
8 jargon term that he applied to efforts relating to aiding
9 contras.

10 Q Did he have any contacts that you know of with CIA
11 individuals [REDACTED] in Central America?

12 A My guess is that he did. The CIA official that
13 he did have contact with on Central America would be a
14 guy named [REDACTED] out at CIA.

15 Q Anybody else out at CIA headquarters he had contact
16 with?

17 A On Central America?

18 Q Yes.

19 A Not directly on Central America. He would contact,
20 talk to Clair George, Gates, Casey.

21 Q Charles^{ie} Allen?

22 A Charles^{ie} Allen and Dewey Clarridge. I don't think
23 it had anything to do with Central America other than the
24 fact I know now Dewey was involved -- Dewey Clarridge was
25 involved with Central America.

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1 Q - Previously?

2 A Previously. Right.

3 Q Do you know the nature of his conversation with
4 [REDACTED] about Central America?

5 A I am not sure -- [REDACTED] job, as I understood
6 it, was he was a Central America task force.

7 Q Right.

8 A Focusing on doing what could be done to support the
9 Nicaraguans or the contras and his conversations would deal
10 with that.

11 Q Did you know that the -- did you know prior to
12 November 1st of 1986 that the CIA was barred from assisting
13 the contras militarily?

14 A Yes.

15 Q How did you know that?

16 A It was in the paper.

17 Q Did you know whether that bar was applied to the NSC

18 A I didn't know, no.

19 Q Did you ever have a conversation with North about
20 whether it did or did not apply to the NSC?

21 A No. Not a conversation as to whether the bar
22 did or did not, no.

23 Q Did -- I take it, though, that these messages that
24 he was getting from McAllister led you to conclude that
25 Colonel North was involved in providing military aid to the

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54

1 contras?--

2 I take it that is accurate?

3 A Yes. That he was involved. There was always
4 doubt in my mind as to the level of involvement. I mean,
5 I knew that it was his responsibility to be knowledgeable
6 and to be understanding of what is going on with the contras,
7 and he received information in.

8 But I was always unclear as to exactly how much
9 information was going out, how much direction was going out.
10 I knew he was having conversations with these people, Secord,
11 et cetera, and -- but that is --

12 Q I take it, though, by looking -- I am not
13 suggesting you have done anything wrong here. I take it,
14 though, by looking at these messages that McAllister and
15 Secord sent up, they were fairly detailed requests and advices
16 of military needs. We have to have more guns, we have to have
17 more such and such, we have to move our troops to such and
18 such a location.

19 A I don't recall messages like that.

20 Q What kind of messages do you recall?

21 A The messages I recall, that come to my mind, the
22 ones I would read and scan that stick in my mind would be
23 messages like there was an air drop in such and such a
24 location, or there wasn't an air drop in such and such a
25 location, that type of information. I don't recall ever seeing

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1 anything that said we need this, or we need that, or is it
2 okay to go here, or is it okay to go there. I saw the
3 drop took place, the drop didn't take place, that type of
4 thing.

5 Q Did you ever have a conversation with Colonel North
6 about the reason he was being provided this information by
7 non -- I take it you knew Secord was not in the Government
8 and that McAllister was not in the Government. Did you ever
9 ask him the reason these civilians were providing him with
10 information over a code machine?

11 A No, I didn't. I never asked that question.

12 Q What was the Operation Sub-group?

13 A That was a group under the TIMG, the Terrorist
14 Incident Working Group, that was established to coordinate
15 terrorist operation -- operational activity, counter-
16 terrorist operational activities and it consisted of NSC,
17 North as the chairman, State and the Co-chairman, which
18 started off as Bob Oakley and subsequently Jerry Brammer,
19 Dewey Clarridge, as the head of the CIA's counter-terrorism
20 branch, Charles Allen as the National Intelligence Officer
21 for Terrorism, Richard Armitage, the Assistant Secretary of
22 Defense, General ^{Moellering} ~~Manning~~, Assistant Chairman of the Joint
23 Chiefs, Buck Ravenel, Associate Director of the FBI.

24 Q When did this group begin meeting?

25 A Began meeting probably in the March or April

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1 time frame.

2 Q And it continued throughout the time period?

3 A Yes.

4 Q Was Colonel North chairman of the operations group?

5 A Yes.

6 Q Did you attend the meetings?

7 A I attended some meetings. Originally, for the first
8 part, up until maybe July or August, we did not attend. Bob
9 and I did not attend, and then after that point, we would
10 alternate, one would attend just to take notes.

11 Q Were -- once you and Bob started attending, were you
12 two the principal notetakers of the meetings?

13 A Yes.

14 Q What did you do with the notes?

15 A If I got around to it and was diligent, I would
16 type them up and put them into a file.

17 Q As minutes?

18 A Mostly as -- kind of as minutes. They weren't
19 circulated as minutes. They would mostly be notes to keep
20 a record of what was discussed, what actions were agreed to,
21 what needed to be followed up on, that type of thing.

22 Q Did these meetings ever deal with Central America?

23 A Not that I know of.

24 Q None of the ones you attended?

25 A No.

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- 1 Q Did they ever deal with --
- 2 A Unless it was some terrorist related Central
- 3 American issue.
- 4 Q Did they ever deal with aid to the contras?
- 5 A No.
- 6 Q Did they ever deal with the -- what has now been
- 7 called the Iran initiative? Did they ever deal with shipping
- 8 weapons to Iran?
- 9 A No.
- 10 Q I take it they must have on occasion dealt with
- 11 getting hostages back; is that correct?
- 12 A Yes.
- 13 Q But the discussions about getting the hostages
- 14 back were other things [REDACTED] stuff
- 15 like that?
- 16 A Initiatives in trying to locate, that type of thing.
- 17 [REDACTED]
- 18 A [REDACTED]
- 19 Q You don't recall any discussion of shipping weapons?
- 20 A Not up until the part when it was exposed, no.
- 21 Q Who -- the Operation Sub-group was a sub-group
- 22 of a large organization; is that correct?
- 23 A Yes.
- 24 Q What was it called again?
- 25 A The Terrorist Incident Working Group, TIWG.

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1 Q Who was on that?

2 A That was the same people, but expanded to include a
3 lot of other agencies. It would be FAA, the Department of
4 Energy, perhaps, Secret Service, Treasury Department, Justice
5 Department representatives, and some other listed in the NSDD.

6 Q Shortly after you arrived at the NSC, Colonel
7 North takes a trip. Do you recall that? He goes to London?

8 A I recall he went on some trips, yes.

9 Q Do you remember one shortly after you got there?

10 A Not specifically.

11 Q Did you ever meet a man by the name of Ghorbanifar?

12 A No.

13 Q Did you ever hear -- and, again, I am talking about
14 prior to the time this whole thing was revealed and you
15 started working on the chronology -- did you ever hear
16 Colonel North speak of Mr. Ghorbanifar?

17 A Yes.

18 Q When did you hear him speak of Ghorbanifar?

19 A Again -- I started piecing more of this together in
20 my mind in the August-September time frame.

21 Q Do you become more involved in this operation in
22 August and September?

23 A Not more involved, just more aware. I didn't sit
24 in on any of the meetings and did not direct any activity
25 by anybody, but just -- I guess I got to be comfortable

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1 around there, and so I would be more aware of what was going
2 on with the thing. Ollie would occasionally talk about some
3 of the meetings or some of the activities. Not doing it day
4 to day, and not attending all the meetings, it was very
5 confusing to try to keep track of the players and the people
6 that were involved in the thing.

7 So it was confusing to me at best. But I would
8 understand -- I thought I understood who the people were and
9 where they were, but with code names, that type of thing,
10 it took me a while to figure out who was doing what to whom.

11 Q Whom did you understand Ghorbanifar to be? Did you
12 know he was the Iranian intermediary?

13 A Yes.

14 Q But not really until August of 1986 did you piece
15 together he was the Iranian intermediary?

16 A It might have even been subsequent to that.
17 Sometimes he was referred to as Gorba and sometimes
18 Ghorbanifar. Initially I didn't link the two together.

19 Q Did you become involved in a more direct way in late
20 October of 1986 -- is that right? -- with getting out the
21 last hostage?

22 A Yes.

23 Q Aren't you somewhat more involved as a point person?

24 A More involved in making the arrangements for
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1 hostage is released, the press guidance, and that type of
2 thing. Yes.

3 Q What is it that you recall North telling you or
4 talking about with relation to Ghorbanifar? Do you recall
5 any discussion about his complaints about the pricing of the
6 weapons?

7 A The things that I remember being said about
8 Ghorbanifar might have been by North or others, but it was
9 that he was unreliable as an intermediary and that there was
10 a problem with the pricing of the weapons, that -- and when
11 they talked about that, it is my understanding he was marking
12 the price up to the Iranians and taking some commission on
13 his own and since Ghorbanifar was unreliable, and he was
14 marking the price up, that was one of the reasons to try to
15 get a direct contact into Iran and cut Ghorbanifar out of it.

16 Q You indicated that you thought that you might have
17 heard this from North or others. Who else would you have heard
18 it from?

19 A I might have heard it from Earl^e in a conversation,
20 or I might have heard it from Charlie Allen. But I
21 probably -- I think I probably heard it from North, because
22 I wasn't -- the other people involved really weren't sure
23 what my level of awareness was on the thing. So there was
24 non-conversation on some points.

25 Q You don't recall any conversations directly --

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1 did you have conversations directly with Allen about the sale
2 of arms to Iran? Charlie Allen?

3 A Yes, I know.

4 Not -- I can't recall any conversations prior to
5 the exposure, you know, in early November of all of the -- I
6 may have, but I just can't recall.

7 Q Did you know a man by the name of Olmstead?

8 A Olmstead? The name is familiar. There was an
9 Olmstead that came to talk to the Vice President's task force
10 about something to do with terrorism. I didn't sit in on
11 that meeting. But it was not viewed as anything important.

12 Q Was there an Olmstead who contacted Colonel North?

13 A I know an Olmstead now over in the Pentagon who
14 is doing the drug business. I don't think it is the same
15 one.

16 Q You don't think it is the same one?

17 A No.

18 Q You don't think it is the same one who advised the
19 Vice President's task force?

20 A Oh, I am sure it is not the same one there.

21 Q Was there an Olmstead who dealt with Colonel North?

22 A Not that I recall.

23 Q You don't recall anybody by that name?

24 A I recall the name, but I don't recall dealing with
25 North. Could be. I just don't remember.

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- 1 Q -- You don't remember?
- 2 Did you ever recall anybody with a code name of
- 3 Steelhammer?
- 4 A What?
- 5 Q Do you recall anybody using the code name of
- 6 Steelhammer?
- 7 A No. That is the first time I ever heard that one.
- 8 Q Did you talk to Colonel North after he returned
- 9 from Tehran about the Tehran trip in late May or early June
- 10 of 1986?
- 11 A Yes.
- 12 Q What did he tell you about the trip, whether it
- 13 had been successful, unsuccessful, how it went?
- 14 A The parts I recall about the trip are that it
- 15 was unsuccessful, that McFarlane was upset about the
- 16 reception that he received, that they didn't meet with
- 17 the people he thought he was going to meet with, hostages
- 18 were not released, so it was a frustrating trip and -- that
- 19 is generally what I recall.
- 20 Q There comes a time in the summer of 1986, late
- 21 July, when another hostage is released.
- 22 A Jenco, yes.
- 23 Q Father Jenco. Did you discuss the release of the
- 24 hostage with Colonel North?
- 25 A I am sure I did. I am not sure what --

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1 Q -- Did you know at that time that it related to this
2 arms -- the arms transactions that had begun sometime
3 previously?

4 A I don't recall then if I did or not. I might have
5 still been pretty stupid, but I probably did, but I don't
6 recall specifically.

7 Q I started to ask you about CIA contacts. I
8 asked you about who you dealt with at the CIA on Central
9 American affairs. You indicated you thought [REDACTED]
10 was the principal contact. I don't think I ever followed up
11 and asked you if you had any contacts with [REDACTED]
12 [REDACTED] in Central America?

13 A You asked that and I said I thought that he
14 probably did and [REDACTED] the
15 [REDACTED] one of those places, was
16 recalled. I assume he had contact with him. I don't
17 recall a name or anybody calling in that I am aware of that
18 identified himself as [REDACTED]

19 Q Did -- does the name [REDACTED] mean anything to
20 you?

21 A No.

22 Q Did a guy by that name ever call Colonel North?

23 A Not that I can recall.

24 Q Did you ever travel to Central America?

25 A No.

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1 Q Colonel North on occasion spoke with public groups
2 about the contras; is that right?

3 A Yes.

4 Q How did those speaking engagements get arranged? If
5 you know.

6 A There was a series of engagements that would be
7 arranged through the White House Public Liaison Office. He
8 would bring in interest groups, different groups into the
9 White House and hear from people in various offices and North
10 became a popular speaker at these affairs. So there would be
11 that way.

12 Then other invitations would come in from other
13 groups for him to go speak.

14 Q Who is it at the White House Office of Public
15 Affairs -- I think that is what you call it --

16 A Public Liaison.

17 Q Who was it at the Office of Public Liaison who
18 would arrange these speaking engagements for Colonel North?

19 A I don't know of any one person. There was that
20 woman that wrote the article in the Washingtonian that says
21 she did. Whatever her name was.

22 Q Who is that? Was that Linda Chavez?

23 A No. She was the Director of the Office of
24 Public Liaison. Mary Mattsing, or something like that.
25 There was an article written by a woman who used to work

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1 there in the Washingtonian. Then there is a guy that I think
2 is still ~~there now~~, a tall curly-haired guy, Linus --
3 something like that -- Linus, Lenis -- something like that.

4 Q It is your recollection that they were involved in
5 setting up these public speaking engagements for Colonel
6 North?

7 A Well, I don't call it setting them up for Colonel
8 North.

9 Q Well, setting up meetings at which they asked
10 then Colonel North to speak?

11 A The American Jewish Republican Women from Topeka
12 would come in and want to hear different people. North
13 would be the one that they wanted to hear or that they would
14 ask to give a talk to. I don't think it was a set-up.

15 Q Let's wait out these buzzers here.

16 (Discussion off the record.)

17 BY MR. EGGLESTON:

18 Q Did he also have public speaking engagements outside
19 of the ones that were set up by the White House, if you know?

20 A Yes.

21 Q Do you know who set up those engagements?

22 A No. I thought an invitation just came into the
23 office and he would go. I don't know there was a formal
24 structure or any system to set up the things.

25 Q You don't know?

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26

- 1 A - No.
- 2 Q Do you know whether Spitz Channell set up any
- 3 speaking engagements for him?
- 4 A Not that I am aware of.
- 5 Q How about Robert Owen?
- 6 A Not that I know of.
- 7 Q Not that you know of?
- 8 A No.
- 9 Q Did you know a woman by the name of Ellen Garwood?
- 10 A I have read about her in the newspaper.
- 11 Q Did you ever meet her?
- 12 A I don't know if I did or not. Spitz Channell brought
- 13 in some little old lady in October, I think it was. It could
- 14 have been her.
- 15 Q October of 1986?
- 16 A Yes.
- 17 Q Brought her in to meet Colonel North?
- 18 A Yes.
- 19 Q Do you know if she met the President?
- 20 A I don't know. You mean that day?
- 21 Q Do you know whether she ever met the President in
- 22 1986?
- 23 A No.
- 24 Q You don't know whether she did or didn't?
- 25 A I don't know if she did or didn't. No. I don't

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1 know. -

2 Q Do you know whether any private contributor to the
3 contras met with the President? Do you have any personal
4 knowledge of it?

5 A No. Other than what is in the newspaper.

6 Q Other than what is in the newspaper, you don't know?

7 A No.

8 Q In the spring of 1986, there was an incident where
9 a supply plane for the contras became stuck in the mud at an
10 air strip [REDACTED] You probably read about that in the
11 Tower Commission Report. Did you have any knowledge of that
12 at the time?

13 A Not that I recall, no.

14 Q Do you recall Colonel North ever discussing it at
15 or about the time that it occurred?

16 A I don't remember anything about it.

17 Q Have you ever -- did you ever hear him discuss
18 a location called the [REDACTED]

19 A No. Not [REDACTED] There was a report in the
20 newspaper about some farm.

21 Q Right.

22 MR. McGRATH: May we go off the record for a second?

23 MR. EGGLESTON: Sure.

24 (Discussion off the record.)

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68

BY MR. EGGLESTON:

Q I think the question I asked you was whether you had ever heard him -- "him" meaning Colonel North -- discuss a place called the [REDACTED] I think your answer was no.

A No.

Q How about a place called [REDACTED]?

A No.

Q Or I think [REDACTED]?

A No.

Q None of those locations?

A No.

Q Did he have any conversations or meetings to your knowledge with Ambassador Tambs, who is an Ambassador to Costa Rica?

A Did Tambs ever call up?

A I am pretty sure he did. None that I answered, but none that I know for sure.

Q How about Ambassador Duemling?

A I don't remember that name.

Q I think the Tower Commission also reports in early September of 1986, there was an incident involving -- again, involving an air strip [REDACTED] [REDACTED] threatened to expose the fact there was an air strip. At or about the time that that occurred, in early September of 1986, did you have any knowledge of that?

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1 A - No.

2 Q Colonel North did not discuss that with you
3 or discuss it in your presence?

4 A Not that I recall. I don't recall anything about
5 it.

6 Q In October, October 5 of 1986, an airplane containing
7 among other people, Eugene Hasenfus, was shot down over
8 Nicaragua. I take it you recall that general incident?

9 A Yes.

10 Q Did you have any conversation with Oliver North
11 about that?

12 A Yes.

13 Q And was it shortly after the shoot-down?

14 A I think he was gone, as I recall, when that happened.

15 Q North was gone?

16 A Yes.

17 Q Do you know where he was?

18 A I think he was in Europe.

19 Q Do you know why he was there?

20 A I would have to look at some notes or something,
21 but my guess is that it would have been some meeting with the
22 Iranians.

23 Q Okay. And did you discuss it with him -- discuss
24 the Hasenfus incident with North after North returned?

25 A Yes.

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70

1 Q -- Do you recall what he said to you and you said to
2 him about the incident?

3 A I don't recall specifically the conversation, but
4 it was my memory of it is that it was -- I was, I guess,
5 curious or trying to figure out if there was something -- if
6 he had something to do with it, he was dancing around the issue
7 somewhat and didn't -- so I didn't get a straight answer as
8 to this is something I know of, or this is my guy, or this
9 is something, but it was viewed initially as a potential
10 hostage situation where the government of Nicaragua was
11 going to take an American hostage.

12 Q Maybe just as best you recall instead of sort of
13 conclusions from the conversations, do you remember, as best
14 you can, what you said to him and what he said to you back?
15 How long did the conversation about Hasenfus last?

16 A That is what I mean. I don't recall a direct
17 conversation back and forth. I am just trying to remember
18 the period of time and general discussions.

19 Q Did he indicate to you that he had a problem?

20 A That he had a problem? Hasenfus had the problem.

21 Q It certainly turned out to be true. He was
22 interested and concerned and it turns out that it was a
23 Southern Air Transport airplane, which I am assuming is
24 Secord's, connected with Secord, as I understand it now.
25 He was interested in doing what could be done to get him

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1 out and he had conversations with the State Department,
2 CIA, what the situation was on the thing, but I have seen
3 the Tower Report message that he sent, that North sent to
4 McFarlane about a lawyer.

5 Q Right. But -- by this time you had a pretty -- I
6 take it a pretty strong knowledge that Secord had this
7 operation going and you had seen a lot of things relating to
8 drops?

9 A Yes.

10 Q By this time you must have had a pretty large
11 body of knowledge that at least Secord had a major re-
12 supply operation going and that he was talking very frequently
13 to North about what it was that he was doing?

14 A Right.

15 Q Did you ever talk to North about, is this one of
16 Secord's guys? Is this --

17 A I don't know if I asked him directly that, but I was
18 led to believe that, yes, it was.

19 Q That it was?

20 A Yes.

21 Q What led you to believe that?

22 A I can't recall. It is just -- it was -- it is
23 hard to describe because it was as if you wouldn't get a
24 straight answer, but you would get a sense, or a nuance,
25 something like that.

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1 Q -- Did he tell you that the President knew about it?

2 A No. He didn't tell me anything like that.

3 Q Did he tell you he had a -- what he was doing was
4 authorized, so he didn't have any trouble?

5 A No. There was a phone call that I mentioned to the
6 investigators when they came last Wednesday that a guy
7 named Halevy, Halevy called saying if Ollie wanted a good
8 lawyer, because of all this thing, because there were
9 investigations going on, so it looked like the pressure
10 was building on Ollie, and there were press reports and
11 all of that stuff, he would help him find a good lawyer.

12 Ollie Wasn't around. This guy kept calling, asking
13 for Ollie. Ollie was gone. Finally he left me that
14 message. So I PROFed Ollie a note. He was gone. I think
15 he was overseas at the time, again, or maybe on the same
16 trip. I can't recall. Left him that message. I talked to
17 Ollie later about it, said do you -- are you going to get a
18 lawyer, what are you going to do? He said that he didn't ^{think} ~~that~~
19 he had any legal problems and he felt comfortable.

20 Q Did he tell you why he thought he had no legal
21 problems?

22 A No. I can't recall anything specific. Just -- the
23 thought that I recall is that he felt comfortable and that
24 he didn't have any legal problems.

25 Q Who is it who called up?

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73

1 A A guy named -- I can't spell it. I can't
2 pronounce it very well. It is David Halevy is the way it is
3 pronounced.

4 MR. VAN CLEVE: Would the spelling be h-a-l-e-v-y?

5 THE WITNESS: Probably is. I think so.

6 BY MR. EGGLESTON:

7 Q Did he tell you what his relationship was to
8 Colonel North?

9 A I know and -- I knew later, at some point, that he is
10 a reporter with Time Magazine, a Jewish reporter with Time
11 Magazine. Israeli native, or Israeli naturalized citizen.
12 I am not sure.

13 Q Did you ask Colonel North the reason that this
14 individual was calling to see if Ollie needed a lawyer?
15 It is a little bizarre to have someone from the outside
16 call up several times repeatedly and say do you need a lawyer,
17 I got to get in touch with Ollie in case he needs a lawyer.
18 Did you ever talk to Ollie about the reason this guy was
19 calling up?

20 A No. Enough bizarre people call.

21 Q Between March of 1986 -- I just want to ask you if
22 you have heard of a number of individuals or companies and
23 what you know about them.

24 A Starting when?

25 Q So the record is clear, I want to do it between

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1 the time period March of 1986 through November 1, say, of
2 1986. I want your personal knowledge, not things you might
3 have learned during the preparation of the chronology or
4 reading the Tower Report or the press reports. Things I
5 take it started happening fairly fast and furious after
6 about November 3 or so of 1986.

7 Had you heard of a company called Lake Resources?

8 A No.

9 Q You had not heard the name mentioned?

10 A No.

11 Q Had you heard of a company called Hyde Park
12 Square Corporation?

13 A No.

14 Q A company called Toyco?

15 A No.

16 Q Had you ever heard anything in connection with the
17 contras called the toys account?

18 A No.

19 Q Had you heard of a company called Albon Values?

20 A No.

21 Q Udall Research? Or Udall Services, anything with
22 Udall in it?

23 A No. Some of those I read in the Tower Commission.

24 Q I understand. That is why I wanted to make it
25 clear that is why I am asking about this earlier time.

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75

1 A Some of them I don't remember from the Tower
2 Report.
3 Q Did you know a man by the name of Albert Hakim,
4 h-a-k-i-m?
5 A Yes.
6 Q Had you ever met him?
7 A Met him personally once, I believe.
8 Q When was that?
9 A When the Iranian -- new Iranian contact came in to
10 meet.
11 Q Came in to meet?
12 A Met with North in his office.
13 Q That would have been October or so of 1986?
14 A I think it was September. Wasn't it late in
15 September.
16 Q Late September, early October.
17 A Something like that.
18 Q Is that the only time you had met Hakim?
19 A That I can recall.
20 Q Had you heard North talk about Hakim prior to that
21 time?
22 A Again, putting names -- different names together
23 subsequently, there was a name Abe. I put Abe together with
24 Hakim. Abe, I am fairly certain, would have been mentioned
25 earlier than that, but you finally put Abe and Hakim

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76

1 together. I think it was probably right around that
2 meeting time.

3 Q Did you have any knowledge that Abe or Hakim had any
4 involvement in the Project Democracy?

5 A Prior to November?

6 Q Prior to November 1 or so of 1986?

7 A I don't think I thought of him that way, although
8 I knew he was associated with Secord and Secord did, but
9 I didn't -- I thought of him as an Iranian.

10 Q Did he call to speak to North?

11 A Yes.

12 Q These are always tough questions, but the question
13 I want to ask is was it frequently?

14 A No. I don't think so.

15 Q Once a month?

16 A Well, I don't recall him calling much at all other
17 than, you know, like in October, toward the end of this
18 thing. But prior to that, I don't recall him calling.

19 Q You indicated earlier that you had thought
20 that Nir had gone on the Tehran trip?

21 A Yes.

22 Q Is that right?

23 A Yes.

24 Q Did you ever meet Nir?

25 A Yes.

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1 Q When did you first meet Nir?

2 A I met him when I was with the Vice President's
3 task force. He came to Washington and met with several of
4 us on the Vice President's task force.

5 Q Did you meet with Nir during the period of time
6 you were assigned to the NSC?

7 A I met him, but I had no substantive meetings with
8 him.

9 Q Was he at the NSC in order to meet with Colonel
10 North?

11 A Yes.

12 Q How many times did you observe that he was meeting
13 with Colonel North?

14 A I can only recall two that I am pretty sure of.
15 One is early, right after I got there. He came in. So that
16 would have been March or sometime like that. And another
17 time was in late summer, early fall. Probably late summer.

18 Q Do you know the reasons he met with North on either
19 of those occasions?

20 A Prior to May, no. The fall trip was in
21 relation to the Iranian initiative.

22 Q Did you know a man by the name of Kimche?

23 A No. But I know now.

24 Q You know now but you didn't know then?

25 A No.

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78

1 Q - Did you know someone named Schwimmer?

2 A No.

3 Q When you say "no", did either call North to speak
4 to North, to your knowledge?

5 A No.

6 Q You knew Ledeen, I take it?

7 A Yes.

8 Q And did you know a man by the name of Thomas Clines?

9 A No. But I know now.

10 Q You know now. At the time you didn't know?

11 A No.

12 Q How about a company called [REDACTED]

13 [REDACTED]?

14 A No.

15 Q When is it that you first heard that there may have
16 been a diversion of the purchase price of the Iranian funds
17 to the contras?

18 A The day Meese stood up at the press conference.

19 Q You had not heard about it, not even heard about it
20 prior to that time?

21 A No.

22 Q After Meese made his announcement -- where were
23 you when the press conference was taking place?

24 A I was in my office upstairs?

25 Q Upstairs? You have a T.V. set in your office?

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1 A -- There was a big one out -- you say you have been
2 there?

3 Q Yes.

4 A As you go upstairs, there is kind of an open area.
5 There is a T.V. out there. My office was in the
6 back corner. There were double doors there. The double
7 doors would open up, the T.V. would be right there.

8 Q Were you watching it alone?

9 A Yes.

10 Q Did you know the subject of it? Did you know what
11 was going to happen?

12 A Well, I knew it was going to be on Iran. I knew
13 it was going to be at noon. I am not sure how much more I
14 knew than that.

15 Q After you learned ^{of} ~~on~~ the press conference, did you
16 have a conversation with North?

17 A Yes.

18 Q Where was North?

19 A In his office.

20 Q Was he alone?

21 A I don't think so. But I can't tell you who was
22 in there with him. I focused on North.

23 Q Did you have a conversation with him?

24 A Yes.

25 Q What did you say to him?

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1 A As soon as Meese said that there was some diversion
2 of money, it hit me as a shock. I went downstairs and asked
3 Ollie what that was all about. Was there any -- and he
4 didn't respond.

5 He just sat there.

6 Q He didn't respond verbally?

7 A Didn't respond verbally, and he didn't -- nod, nod
8 his head yes or shake his head no? He just sat there, sort
9 of gave a shrug as if to say I am not going to tell you
10 anything, or can't tell you anything, that was it.

11 Q Did you turn and walk out?

12 A Yes. I wanted to hear what else was going to come
13 on I didn't know about.

14 Q Had you heard by that time he had been fired? I
15 can't remember when that appears in the press conference.

16 A I think the press conference was on Tuesday.

17 Q It was, Tuesday the 25th.

18 A On Monday I recall some conversation that -- I
19 will screw the days up, Poindexter sent a PROF note to
20 everybody indicating he was leaving, quitting. I don't
21 know if that was a Monday or Tuesday. I can't recall.
22 Then there was conversation. Ollie said he was going to
23 resign as well. Then it was announced at the press
24 conference, I think.

25 Q Let me go back and do this in a more chronological

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82

1 fashion. Where are you working now?

2 A At the National Drug Policy Board with the
3 Attorney General.

4 Q I am sorry?

5 A The National Drug Policy Board.

6 Q How long have you been there?

7 A Since the first of February. Or since -- yes.
8 I got over there on the first of February.

9 Q Did you go straight from the NSC?

10 A Yes.

11 Q And how -- how is it that you -- what is it you are
12 doing with the Attorney General?

13 A I am the Assistant to the Chairman, who is the
14 Attorney General, on the National Drug Policy Board.

15 Q Did you have prior drug enforcement experience?

16 A Well, I am a Coast Guard officer.

17 Q Right.

18 A That is one of our areas of responsibility, yes.

19 Q Did you have any personal -- it is an area of
20 responsibility of the Coast Guard. Is it an area in which you
21 personally had any involvement?

22 A Not in a policy level other than some minor things
23 that I got involved in at the NSC. Jim Stark was the guy on
24 the NSC on drugs. He knew I was in the Coast Guard. We
25 talked about a couple of issues. That is it.

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- 1 Q -- How is it that you happened to take this position?
- 2 A The Attorney General asked me.
- 3 Q Did you know the Attorney General?
- 4 A I knew him when I was a White House Fellow.
- 5 The guy I worked for, Svahn, worked for Meese.
- 6 Q What kinds of things are you doing for him now?
- 7 A Well, the President announced the combination of
- 8 the supply side and the demand side of the drug policy issue.
- 9 That is going to come under the Drug Policy Board. So I am
- 10 doing work to get that geared up and to make the Policy
- 11 Board central place for drug policy decisions.
- 12 Q And you have been there since the first of
- 13 February?
- 14 A Yes.
- 15 Q Let me take you back now to the time period
- 16 November 3 through November 25 of 1986. Actually, let me
- 17 take you back to late October, first. As I understand it,
- 18 you are involved somewhat more substantially in the efforts
- 19 to release the last hostage, I guess his name was
- 20 Jacobsen; is that correct?
- 21 A Yes.
- 22 Q At the time were you aware Dutton and Quintero
- 23 were also involved?
- 24 A Quintero?
- 25 Q Isn't it true that -- did you know that Dutton was

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1 over helping on the release of Jacobsen?

2 A McAllister, yes.

3 Q You knew him then under the name of McAllister?

4 A Yes.

5 Q Did you know there was someone who was also not a

6 government official with him?

7 A I don't recall, but I wouldn't be surprised.

8 Q Why is that?

9 A I mean Secord and McAllister went over there and

10 there was a crew from an airplane that went with them. I

11 don't recall Quintero doing anything.

12 Q Does the name -- did you know Quintero by

13 this time?

14 A I still don't think I know him.

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1 Q Did you ever talk to Colonel North about the
2 reason non-government officials were involved in the efforts
3 to free the hostages?

4 A Never did. I wish I did, but I didn't. I thought
5 it was odd.

6 Q But you never asked him why, when we have all
7 these military and he is in the military and we have a CIA
8 and all these other people, that we are using somebody like
9 Secord?

10 A I didn't ask the question directly. I knew
11 Poindexter was aware of it. So, that made it authorized
12 or legitimate, as far as I was concerned. It was, to me,
13 admittedly odd.

14 I didn't -- it was not the way I would have done
15 it, but it was not my decision to do.

16 Q But you never asked?

17 A No.

18 Q The reason he was involved?

19 Did you know anything about Secord as of this
20 time?

21 A I knew he was a retired Air Force general and
22 I knew that he worked with Ollie, I think, while he was
23 on active duty helping get the planes sold, the AWACS
24 planes sold to Saudi Arabia. I knew he retired and was
25 dealing -- doing this contra business.

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1 Q - As of this time, without commenting on whether
2 these allegations were true or not, as of this time, were
3 you aware of the allegations that he was involved with
4 Wilson, Ed Wilson? You know who I mean by Wilson?

5 A Yes. He is the guy who sold the ^{plastic} ~~plastic~~ to
6 Qadhafi.

7 I don't think he knew that, but I think it was
8 in the New York Times Magazine.

9 Q That was about two months ago.

10 A I don't think I knew anything about that.

11 Q Had you had -- okay.

12 Did you know a man by the name of [REDACTED] ?

13 A I don't recall that name.

14 Q During the release of the hostages, just to sort
15 of flesh out the rest of the record, in late October, early
16 November, 1986, what was your role precisely? What is it
17 that you did in connection with that release?

18 A Well, Ollie had gone to Europe to complete the
19 negotiations and we got information from North that a
20 hostage would be released momentarily, probably two,
21 probably three would be released.

22 So, Bob and I tried to set up some sort of a
23 watch schedule where we would have some source of contact
24 with Ollie while he was overseas so that we could relay
25 information to Poindexter and to coordinate any efforts wher

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1 the hostage was released.

2 So, we -- the final weekend -- let's see.
3 Jacobsen was released on Sunday, I think, or Saturday night.

4 Q I have it written down here somewhere. He was
5 released on the second.

6 A What day of the week was that?

7 Q November 2nd is a Sunday.

8 A The final weekend, Friday, Saturday, and Sunday,
9 Bob and I went over to the situation room and just stayed
10 there as a point of contact in a communications center so
11 that we would be able to receive messages from Ollie and
12 get them to Poindexter.

13 Q So, your principal role was as a Washington point
14 of contact in case there needed to be communications
15 between North out in Europe and Poindexter and the individ-
16 uals back in the White House; is that right?

17 A Yes. Yes.

18 Q I think it is on or about November 3 or 1986 the
19 Beirut magazine article appears and reveals that the
20 McFarlane trip to Tehran -- is that your general
21 recollection?

22 A Some time in that time frame.

23 Q Is North back in Washington by the time this takes
24 place?

25 A I can't recall exactly.

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1 Q What is the reaction among NSC staff? What is
2 the reaction to this article?

3 A Generally, I would say that the reaction was
4 that initially it would hamper the efforts to get the
5 remaining hostages out, that it was going to expose this
6 operation, or this initiative. And so, the focus was on
7 trying to get the rest of the hostages out as quickly as
8 possible before it became too much of a turmoil and this
9 story really started breaking.

10 Q There comes a time when there is a decision made
11 among the NSC staff to prepare a chronology of the events
12 that had taken place from 1985 -- maybe 1984, 1985, and 1986.
13 Do you know when that decision was made or when you were
14 first advised of that decision?

15 A I can't remember the date, but the direction
16 I understood was that Ollie asked Bob to get started on
17 something, and then Bob didn't have all the information.
18 So, ~~we~~^{he} wasn't able to do too much, and it shifted over.
19 So, Ollie was put into the -- the direction was that
20 Poindexter wanted one document, or one piece of paper that
21 would outline and describe the Iran initiative, and the
22 direction was to put all the information into it initially,
23 and then sensitive information, classified information
24 could be scrubbed out so that you could start with a
25 document that had everything and scrub it down to, at some

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mag5

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1 point you had a public document that would -- that you
2 could release.

3 Q Go ahead.

4 A That got to be tough to do, because the first
5 draft --

6 Q Let me stop you. I would like to, if I can,
7 sort of narrow down some things before you get into the
8 substance of the drafts, which is what I would like to do
9 in a second.

10 Do you recall -- here are two dates that seem
11 to me it must have taken place between these two dates.
12 The Beirut newspaper article comes out, I think, around
13 November 3. I take it this has not started as of the
14 date of the Beirut newspaper article.

15 A No.

16 Q Or the date Jacobsen is released?

17 A No.

18 Q On November 13, the President makes a speech
19 which is sort of the culmination of all the press turmoil
20 after the Beirut article. I take it it is well underway
21 by the time the President makes his speech; is that right?

22 A Yes, I think it is. I am pretty sure it would
23 be.

24 Q I would think at least one of the reasons the
25 chronology had to be prepared is that someone had to

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1 brief the President on the details about what had really
2 happened so the people could get together a speech and get
3 together some public response to the revelations of the
4 Beirut magazine article.

5 A Yes.

6 Q Do you have any recollection when in that time
7 period this decision was made?

8 A Not by date or anything.

9 Q Was there a meeting that you attended where
10 Poindexter ordered various people to do various things?

11 A No, I didn't attend the meeting.

12 Q Do you know that such a meeting took place?

13 A I don't know. I assume, because Ollie came back.

14 Q Right. From something?

15 A From across the street, I assumed, or thought,
16 from Poindexter's office-

17 Q Do you have any idea who attended the meeting?

18 A No.

19 Q And Ollie comes back and says, "We have to start
20 getting this chronology together"?

21 A Yes.

22 Q It is your testimony that he initially
23 assigns this task to Earle?

24 A Yes, because Ollie was --

25 Q Still trying to get the other hostage out?

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1 A-- Still trying to do other things, get the hostage
2 out. He asked Earle to get started on it. Earle made some
3 attempt, I guess, to work on it. And then it was picked
4 up and turned over to Ollie.

5 Then, at some point -- and, again, I can't fix
6 a date on it -- Ollie came back and said that Poindexter
7 directed him to do all things with Iran in preparation
8 of the chronology, and that Bob and I were to stay out
9 of it, that we were supposed to do the rest of the office
10 stuff, keep the office going and just let Ollie devote full
11 time to the Iran business.

12 Q In fact, you remain involved in the preparation,
13 don't you?

14 A I remained involved in the sense I was there
15 while it was being done, with redrafts. I would be up in
16 my office, come down. People would be scribbling notes.
17 I would read it. Initially, I was reading it to try to get
18 started, thinking I would finally understand what the
19 heck was going on in the whole thing. So, I would read it
20 for grammatical reasons, see if it made any sense.

21 Q Do you know whether there was a CIA chronology?

22 A Yes, there was.

23 Q Was that prepared prior to the first draft of
24 Ollie's chronology?

25 When I say "Ollie's" I should say the NSC

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1 chronology that your office was working on.

2 A I don't know if it was before or simultaneously.
3 My vision of it was it was more simultaneous. But I don't
4 know when it was -- I don't know anything about when it was
5 started. I know there was one.

6 Q And the document I am thinking of is maybe two
7 or three pages long, a CIA chronology; is that your
8 recollection of the CIA chronology? It was not as your
9 maximum version becomes, a 20-page document? It is pretty
10 sketchy?

11 MR. MCGRATH: If you have that, it might be
12 appropriate to show him.

13 MR. EGGLESTON: Well, I actually do have that, but
14 I don't have a copy of it, so I can't mark it as an exhibit.
15 Actually, this isn't it, anyway.

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1 BY MR. EGGLESTON:

2 Q Could you just describe generally who was it
3 who was involved in the actual preparation of the
4 chronology?

5 A Substantively?

6 Q Yes.

7 A Ollie, Secord, Cave, Charlie Allen, McFarlane,
8 Teicher did a little bit, and then it went to Poindexter.

9 Q Do you know how the work on the chronology was
10 divided up, if it was, the different people assigned to do
11 different parts of it? Or is everybody working on the
12 whole thing?

13 A I didn't see any division of labor on the thing
14 other than Ollie was -- seemed to be doing most of the
15 writing. He would hand it to Fawn, Fawn would type it,
16 and it would come back in. People would look at it,
17 make corrections. So, you ended up with a number of
18 different drafts, trying to get it all put together. So,
19 that is the way it worked.

20 Q Were documents also used?

21 A Documents used?

22 Q In the preparation, as I take it, everybody
23 wasn't just relying on their own memory. Were there
24 documents used?

25 A Ollie had notes and papers. I didn't have any.

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mag2

- 1 Q You didn't have any?
- 2 A No.
- 3 Q There is a draft of this. The President then
- 4 gives a press conference on November 19. Do you remember
- 5 the press conference?
- 6 A Yes.
- 7 Q It was a fairly eventful one because, as I recall,
- 8 it is one of the only times the President had to immediately
- 9 correct one of his statements. I want to get to that in a
- 10 second.
- 11 Did you see the press conference?
- 12 A Yes.
- 13 Q Was the chronology substantially done by the time
- 14 of that press conference?
- 15 A I suppose so, yes.
- 16 Q How much time, if there is any way for you to
- 17 estimate -- how many days was Second there working on the
- 18 chronology?
- 19 A I don't know. I would guess two or three.
- 20 Q Two or three?
- 21 A Something like that. Maybe more. I can't --
- 22 I don't know.
- 23 Q And how about Charlie Allen?
- 24 A He maybe came over once or twice.
- 25 Q How about Cave?

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1 A-- Same thing, little bit more.

2 Q Little bit more?

3 A More than Allen.

4 Q Did you know what role Cave had had in the
5 operation?

6 A Cave was the interpreter who attended a lot of
7 the meetings.

8 Q Did you know that at the time or only through
9 the preparation? Did you know that at the time that Cave
10 was acting as the interpreter or did you only know that
11 during the preparation of the chronology?

12 A No. I knew he was on some of the trips prior
13 to the chronology.

14 Q Who else did you say had been involved in the
15 substantive drafting of the chronology?

16 A Teicher came in and took a look at it, had some
17 thoughts or -- read it from his perspective.

18 Q Did McFarlane come to the NSC offices to work
19 on it?

20 A You know, I read that in the Tower report,
21 and I got to tell you, I don't remember him coming in to
22 work on the chronology.

23 I remember him coming in to work on a speech.

24 Q The November 13 speech?

25 A Yes. But I don't recall him coming in to work on

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mag4

1 the chronology. He could have. I just don't remember
2 that.

3 Q Now, since you have read the Tower Commission
4 report, you know that he sent a long PROF note about at
5 least one of the drafts of the chronology.

6 Did you know that at the time? I think it was
7 November 18 that he sent the note.

8 A No, I don't think I knew that.

9 Q You don't know?

10 A No.

11 Q Are you telling me that you basically had no
12 substantive role in the drafting of the chronology?

13 A I had the substantive role I inputted to it,
14 was -- there is a portion at the beginning that talks of what
15 other countries sold to Iran. I provided some of that
16 information.

17 Q How did you know that information?

18 A I knew that information because Poindexter had
19 asked Ollie to put together a paper on what other countries
20 were selling to Iran, to try to give it some perspective.

21 Ollie asked me to prepare it. I called CIA and
22 asked for some information. They provided me the information
23 and I made up a larger paper, and from that paper I got some
24 of that information.

25 Q Do you recall during the course of the preparation

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1 of this chronology any disputes about factual issues?

2 A Yes. I believe it was -- I don't remember any
3 specifics. It was, you know -- because I wasn't there the
4 whole time, you get the sense that somebody would read
5 it, somebody would say, "No, this happened; no, this
6 happened this way," trying to resolve everybody's memory
7 on exactly how it all worked out.

8 Q Do you remember who was having those disputes?

9 A Not directly, other than Ollie would be involved
10 in them because he was prime drafter of the thing. He
11 would write something. Somebody would say, "I don't think
12 this is the way it was. I think it was like this."
13 It would be changed.

14 Q Do you know what role Secord had in the
15 drafting? Do you recall any substantive input Secord had?

16 A I couldn't point to anything in there that he
17 did.

18 Q Did Secord have a security clearance?

19 A I assume so.

20 Q Do you know how high a security clearance it was?

21 A No.

22 Q Did you know the last time he was with the
23 government?

24 A Some time in -- I think he left the Defense
25 Department in 1982 or 1983, something like that.

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mag6

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1 Q Did you have anything to do with preparing the
2 President's speech?

3 A Yes.

4 Q What was your -- I am talking about the speech
5 now that was on November 13. Did you help draft it?
6 What was your role?

7 A It was the same kind of process where we were
8 tasked with coming up with the first draft of a speech that
9 had to go to the President's speech writers by 5:00 o'clock
10 in the morning or something, the morning of the 13th.

11 So, we would sit around and sketch up outlines
12 and drafts of a speech and pass it around and try to make
13 corrections to it. That is when McFarlane came in and
14 tried to craft his own --

15 Q McFarlane came in?

16 A Yes. He tried to craft out his own suggestions on
17 how the speech would be written. And he started writing out
18 in longhand. He went over to North's PROF terminal and
19 typed it out on that and had it printed out.

20 Q And this is now preparation for the November 13
21 speech?

22 A Yes. That is why I say I don't remember him
23 coming in for the chronology, although I read that in the
24 Tower report. I just don't recall that incident.

25 Q The Tower report, at least according to it, has

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1 him coming in on the evening of the 18th and seeing you
2 furiously pasting and cutting and putting things together.

3 A I don't recall that incident.

4 So, I could have been there; I could not have
5 been there. I just don't recall him coming in other than
6 for the speech.

7 Q Do you recall the dispute with McFarlane over the
8 speech? Were there any substantive disputes about what
9 should be in the speech?

10 A I don't recall disputes.

11 Q You indicated that you thought one of the areas
12 were --

13 MR. MCGRATH: I think the disputes that we talked
14 about earlier on were with respect to the chronology. You
15 are talking about the speech now.

16 BY MR. EGGLESTON:

17 Q I thought you indicated that the only time you
18 remember McFarlane coming in and having a disagreement about
19 what might go in the speech was --

20 A It wasn't a disagreement on substance. It was
21 more style, what should be said, how it should be said,
22 that type of thing.

23 Q Do you recall what his suggestion was and how
24 it differed from the draft that --

25 A I don't recall.

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1 -- I know we ended up submitting a draft, and he
2 had typed out a draft in his PROFS. The only way I would
3 know is to put them side by side now.

4 Q By submitting a draft, you mean it was -- there
5 was ultimately a draft submitted to the President's speech
6 writer.

7 A Yes.

8 Q Do you know whether any of McFarlane's ideas were
9 incorporated into that draft?

10 A Into the speech?

11 Q Into the draft speech?

12 A That we submitted?

13 Q Yes.

14 A I would say some of his ideas were put into it.
15 But, as I recall, the speech that we submitted and the one
16 that came out of the speech writers, at least in my view,
17 was different.

18 Q After the President gave his speech, there was --

19 A May I make a phone call?

20 MR. EGGLESTON: Sure.

21 (Discussion off the record.)

22 BY MR. EGGLESTON:

23 Q I think I was just beginning to ask a question
24 related to the reaction to the speech. Was there any --
25 as I recall personally, the events, which is probably the

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mag 9

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1 most irrelevant thing of all -- the speech did not end the
2 controversy and the discussion about the Iran initiative.

3 I think that is probably a fair statement.

4 Were there any meetings after the speech to
5 determine what more should be done?

6 A Not that I attended.

7 Q Did you have any conversations with North? Where
8 did you watch the speech?

9 A Home.

10 Q Did you have any conversations after the speech
11 the next day or whenever with North about the speech?

12 A I don't recall any conversations about the
13 speech other than the fact I -- personally, as you say,
14 personal impressions.

15 Q Did the work after the speech on the chronology --
16 I take it that continued?

17 A Yes, if the speech was the 13th.

18 Q There comes a time when there is a decision
19 made to have a presidential news conference. Did you
20 have any -- attend any meetings or discussions relating to
21 whether or not the President should move to a news
22 conference format instead of a speech?

23 A No.

24 Q Did -- I take it that the President was then
25 prepared for the news conference? He must have been

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mag10

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1 provided substantive information.

2 Now, he would be in a question and answer format
3 instead of a format where he controlled essentially the
4 information that would be provided. Was there --

5 A I didn't do anything for it.

6 Q Do you know if Colonel North did anything to
7 prepare him?

8 A Other than the chronology, I don't know of
9 anything. I can't recall anything.

10 Q There comes a time when a chronology is produced
11 which reports that the President had no knowledge about the
12 August 1985 transfer of weapons from Israel to Iran. Do
13 you remember that version of the chronology? Am I
14 accurately reflecting that version of the chronology?

15 MR. MCGRATH: Which version are you referring to?

16 MR. EGGLESTON: A version which essentially says
17 the President was not aware until after the Israelis had
18 sent the arms that the arms had been sent.

19 MR. MCGRATH: Do you have a specific version in
20 mind that you are looking at or that you are referring to?

21 MR. EGGLESTON: Actually, while I am doing that,
22 since it is in front of me.

23 BY MR. EGGLESTON:

24 Q There comes a time when there is a document that
25 is undated, but it is a memorandum dated around April 4, 1986.

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1 I think it is produced substantially in the Tower Commission
2 report.

3 Are you aware of the document I am referring to?

4 A From the Tower Commission report, yes.

5 Q When is the first time that you saw that
6 document?

7 A When I read the Tower Commission report.

8 Q So, actually you have never seen a piece of paper
9 that contains the report in any fashion, is that correct?

10 A That is right.

11 Q Let me not ask specific questions. Let me do it
12 this way instead. Do you recall any conversations during
13 the preparation of these chronologies about the way the
14 August -- July and August of 1985 events would be reported?

15 A I have some memory of that subject being discussed,
16 but I can't reconstruct any conversations. I couldn't offer
17 any judgment or insight as to one way or the other, because
18 I had no knowledge at the time as to which would be right
19 and which would be wrong.

20 Q Do you recall who participated in these
21 conversations?

22 A No. That is what I mean. I am not sure they
23 took place. With all the fervor over this, I wouldn't be
24 surprised if I was there and had conversations. I don't
25 recall any conversations -- any confrontation, any direct

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1 discussion over did he or didn't he or will he or won't
2 he, any of that type of thing.

3 Q Did you watch the President's news conference
4 of November 19?

5 A Yes.

6 Q And I may have asked you this before, but let me
7 just go through it again so I have it in my own head.
8 Where were you when you saw that?

9 A At home.

10 Q Did you have a conversation the next day or at
11 any time with Oliver North about that press conference?

12 A Not substantively other than a personal -- at least
13 my personal opinion on it.

14 Q What did you tell him? What did you tell him
15 your personal opinion was?

16 A My personal opinion was I didn't think the
17 President did a very good job.

18 Q What did you say to him about why that was true?
19 What is it you said to him about the President's performance?

20 A I don't recall exactly other than I thought that
21 he didn't seem to be sure of the facts, was unsure of himself
22 in answering the questions, that type of thing.

23 Q Did -- what did Colonel North say in response,
24 if you recall?

25 A I don't recall.

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1 Q-- Did you indicate to me you also had a conversation
2 with Colonel North about the November 13 speech, your own
3 reaction to the November 13 speech?

4 A We had a conversation prior to the speech and
5 after the speech. After the speech, it was just, you know,
6 personal view of the thing. But prior to the speech, we
7 had gotten a draft of the speech just prior to the due time,
8 which would have been early afternoon, and he had read
9 the speech and made some suggested changes to it.

10 It had to go back to Poindexter to go to
11 Buchanan, to go to Regan, to go to the President, but he
12 had read it and then I read it and I didn't personally
13 like the way it went, so I made a suggested change,
14 talked to Ollie about it.

15 He said, "Fine, you can sell it; it is all yours."
16 So, I walked it over finally at this point, having never
17 walked over to Poindexter's office before. I thought this
18 was something I wanted to at least get my nickel's worth
19 in on this one.

20 And Poindexter's reaction was it was too late, that
21 was too much of a change to make, and there was nothing that
22 could be done.

23 So, I walked out of there, and as luck would have
24 it, Buchanan was in the hallway, so I hit him with it. He
25 didn't know who the hell I was. I said, "Here, if you want

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1 my opinion, this is what the speech -- we ought to change
2 the speech to make it look more like this."

3 He said, "Sorry, kid, it is too late. Go see
4 Regan, if you want."

5 Q What was this change that you wanted made?

6 A There is a line in there that lists a bunch of
7 activities at the beginning of the speech, and there is a
8 line afterwards that says, "This is utterly false."

9 Q And what did you want to change?

10 A I wanted to take out the phrase, "This is utterly
11 false." I wanted to put in there something to the effect
12 that the President makes a lot of decisions, and he is
13 responsible for a lot of decisions, and he made a decision
14 that was -- that deviated from publicly stated policy,
15 but he did it for good reasons and tried to explain the
16 reasons and why he made that thing.

17 Q What is the reason that you wanted the phrase that
18 "This is utterly false" deleted?

19 A Because I didn't know if those were utterly
20 false.

21 Q Had your preparation of the chronology led you to
22 conclude that it was, in fact, not utterly false?

23 A Led me to believe that I didn't know. I viewed
24 it -- those things could have been false or not true, but
25 in my mind, when you say the phrase, "Those things were

UNCLASSIFIED

UNCLASSIFIED

mag15

1 utterly false," that is like sticking a needle in somebody's
2 eye and begging the question. I just didn't know what they
3 were, but I thought that -- some of them may have been
4 true. I didn't know. I assumed they were false, but
5 I thought that phrase, "This is utterly false," was too
6 provocative, too strong.

7 MR. MCGRATH: Mr. ^{McFarlane} [REDACTED], you mentioned that
8 based upon your preparation of the chronology, is that
9 why you objected to the "This is utterly false" statement?

10 You might want to go back at this point and
11 state again what your role in the preparation of the
12 chronology was before the President's speech.

13 THE WITNESS: Well, I mean, I was just reading
14 the thing for grammar and for verbs to make sure the
15 sentences had a verb. I put that part in there about other
16 countries selling arms to Iran. I didn't -- I had no
17 substantive knowledge of the things that went into it,
18 but I had read it and I just -- it struck me wrong. I didn't
19 like that phrase.

20 BY MR. EGGLESTON:

21 Q Okay. And I just want to make sure that I have as
22 clearly as possible Colonel North's reaction when you said
23 to him that you thought that that was a phrase that should
24 not be in there, or whatever you said to him.

25 A Well, he said, "It is fine with me, see if you

UNCLASSIFIED
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Page 6

1 can sell it." So, off I went.

2 Q On your fruitless mission?

3 A Yes.

4 Q Is there anything else in the speech that you
5 wanted to change?

6 A A couple happy-to-glad type of things, some other
7 things. At that late hour, you know, it was too late to
8 make any real changes.

9 Q Is there anything -- was there anything else,
10 if you recall -- and I have a copy of the speech, at least
11 as it was put out by the White House, I think -- was there
12 anything else in the speech with which you disagreed?

13 Was there anything else in the speech that you
14 thought was not accurate or overstated or with which you
15 disagreed?

16 A No. My view of the speech was everything in the
17 speech as I read it originally was, as far as I knew,
18 factual.

19 It was just I didn't like the tone. I didn't like
20 that phrase that said, "That is utterly false." I didn't
21 read it for any -- I didn't see, as I recall -- I didn't
22 see any factual things that -- where the President would
23 be saying an untruth, because that is one of the things
24 you really want to look at, that you don't want the
25 President saying anything untrue.

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1 MR. VAN CLEVE: May I make a suggestion?

2 In order the record is clear, because it would be
3 helpful to read the preceeding paragraph, that preceeds
4 the statement that the witness is concerned with.

5 MR. EGGLESTON: Why don't I read the two
6 paragraphs so the record is clear. It is probably a very
7 good idea.

8 This is out of a draft, or what was actually
9 released as being the President's speech. "The charge has
10 been made that the United States has shipped weapons
11 to Iran as ransom payment for the release of American
12 hostages in Lebanon -- that the United States undercut its
13 allies and secretly violated American policy against
14 trafficking with terrorists."

15 "Those charges are utterly false. The United
16 States has not made concessions to those who hold our people
17 captive in Lebanon, and we will not -- the United States
18 has not swapped boat loads or train loads of weapons for
19 the return of American hostages, and we will not."

20 That is the continuation.

21 BY MR. EGGLESTON:

22 Q Let me read the next paragraph and ask you if
23 there was any discussion about the drafting of the next
24 paragraph, if I could.

25 "Other reports have surfaced alleging U.S.

UNCLASSIFIED

mag 13

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1 involvement: reports of a sea lift to Iran using Danish
2 ships to carry American arms, of vessels in Spanish ports
3 being employed in secret U.S. arms shipments, of Italian
4 ports being used, of the United States sending spare parts
5 and weapons for combat aircraft. All those reports are
6 quite exciting, but as far as we are concerned, not one of
7 them is true."

8 Do you recall any discussion of the drafting of
9 that paragraph?

10 A See, that draft is different from the one that we
11 had sent in, so we were playing catch-up, doing something
12 that speech writers had prepared.

13 Q Right, right.

14 A The only thing I recall that happened on that
15 draft was -- I can't remember when it was, but it was
16 when I stopped by Poindexter's office with what
17 I thought should be the fix and then walked out, and
18 I am pretty sure I ran into Buchanan in the hallway then,
19 tried to shove it at him.

20 Then I went back, I guess looking for Ollie.
21 Ollie -- I eventually found Ollie in Buchanan's office. They
22 were working on some -- making some changes to the speech,
23 but I can't recall -- I think there was a phrase in an
24 earlier draft of just before this draft that had some
25 mention of Miami airplanes, and Ollie had Buchanan take

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1 that out. But that is all I can recall.

2 Q That is the only thing you recall?

3 A Yes.

4 Q Let me just make sure I am clear.

5 The paragraph I just read to you, beginning
6 with, "Other reports --" and going on to list a number of
7 things that were not true, was that in the draft that
8 you had sent up?

9 A I don't recall. I would have to see it.

10 Q And you indicated that in preparation for the
11 November 19 press conference, the only thing that you did
12 was work on the chronology; is that correct? You didn't --

13 A Well, if you say "working on the chronology",
14 I admit that I was there when the chronology was made
15 and the parts -- the input that I did. But there was also
16 a point at which Ollie said, "I am doing Iran, and you
17 guys do everything else."

18 Q I didn't mean to actually overstate your role.
19 I meant other than what you did with regard to the
20 chronology, you didn't have anything else to do with
21 preparing the President?

22 A No.

23 Q You didn't attend any direct briefings for the
24 President?

25 A No.

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1 Q Do you know whether the President was briefed
2 in preparation for the press conference?

3 A I assume so.

4 Q Do you know who briefed him?

5 A No. Other than, I am sure, Poindexter was
6 there.

7 Q I guess I should ask it more specifically. Do
8 you know whether North was there?

9 A I am virtually certain that North was not there.
10 I like to leave myself a little hedge, but I am virtually
11 certain that he wasn't there.

12 Q Do you know whether Casey was there?

13 A I don't know.

14 Q You don't know? Did you know Casey?

15 A I know him as the Director of the Central
16 Intelligence Agency.

17 Q Did you know him personally?

18 A No.

19 Q Did he come by Ollie's office? Did he talk to
20 Ollie on the phone?

21 A He talked to Ollie on the phone. I know that.
22 He wouldn't know me if I walked in the room.

23 Q There comes a time, as well, does there not,
24 when Admiral Poindexter testified on the Hill? Do you
25 recall that? I think it is November 21.

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- 1 -- MR. VAN CLEVE: Off the record.
2 (Discussion off the record.)
3 BY EGGLESTON:
4 Q I will correct that.
5 Do you recall a time when Admiral Poindexter
6 briefed members of Congress down at the White House?
7 A I recall that happening, yes.
8 Q You do recall that happening?
9 A Yes.
10 Q Did you have any role in preparing him for that
11 briefing?
12 A No, not directly.
13 Q And did you have any indirect role?
14 A Other than what I did on the chronology?
15 Q Was the chronology finished by that time?
16 A I don't know. When was the hearing? When did
17 he come --
18 Q My best recollection is it was the morning of
19 November 21.
20 A Must have been. As I recall -- can't even
21 recall the last date on the chronology. As I recall the
22 Tower Commission, I think the last one was the 18th.
23 Q I think there is a version dated the 20th.
24 A Is there? Okay.
25 Q On the -- I want to ask you what you knew about

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mag02

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1 various events that took place between the 21st and the 25th
2 of November.

3 The 21st was a Friday; the 25th was a Tuesday.
4 Were you aware that an investigation involving the
5 Attorney General that essentially began as of the 21st of
6 November?

7 A Yes.

8 Q Were you aware of that on the 21st?

9 A That was Friday?

10 Q Yes.

11 A Yes.

12 Q How were you made aware of that?

13 A I got a call from -- I answered the phone.
14 I can't remember if he was calling me or calling the
15 office. Paul Thompson called.

16 Q Do you recall when that was, what time of the
17 day, I mean?

18 A I am guessing late afternoon, early evening.

19 Q What was your conversation with Mr. Thompson?

20 A He said that the Attorney General and the
21 Department of Justice would be doing an investigation and
22 we should be ready to talk to them if they wanted to talk
23 to us.

24 Q Was Colonel North in the office?

25 A I don't recall. I recall answering the phone, and

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mag-3

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1 Thompson was there. He told me that there was going to be
2 an investigation by the Department of Justice and that
3 they may want to talk to us.

4 I recall asking him if I was supposed to come
5 in on Saturday or what -- what am I supposed to do? He
6 said, "No, don't bother coming in. They will call you
7 if they want you."

8 I said, "Fine." And --

9 Q Was it clear that the investigation the
10 Department of Justice was going to do was going to be the
11 next day? Was there any indication to you that they
12 might want to talk to you that night?

13 A No. I got the impression that if they
14 wanted to talk to me, it would have been on Saturday.

15 Q Did he ask you whether or not the offices would
16 be available or open the following day?

17 A No.

18 Q You don't recall him saying anything to you
19 like, "The Department of Justice wants to get in the
20 offices. Are they going to be open? Can we get in?"

21 A No.

22 Q Did you tell Colonel North about the conversation
23 with Thompson?

24 A I don't recall specifically, but I probably did,
25 unless he got a call directly from somebody else.

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mag 14

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1 -- I don't recall. Normal operation would be if
2 I had gotten a call like that, I would have told Earle and
3 North.

4 Q Did you ask Thompson what the investigation was
5 about?

6 A I don't recall asking him directly. That was the
7 Friday after the press conference.

8 Q No. This would have been the Friday before the
9 press conference. I am sorry. This is the Friday
10 after the press conference.

11 A Yes.

12 Q Yes.

13 A No. I didn't know anything about the subject,
14 other than it would be an investigation on the Iran thing.

15 Q Did you have any -- did you ask him anything
16 about what it was -- I mean, you must have asked yourself,
17 "This has been an initiative conducted by the NSC; what in
18 the world is the Department of Justice doing investigating
19 the Iran initiative," and if you didn't -- you must at least
20 have asked yourself, and if not yourself -- if not
21 yourself you might also have asked North or Earle about
22 what is happening here.

23 This had to be an unusual kind of phone call.

24 A Well, it was an unusual kind of phone call. You
25 don't get investigated every day.

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1 Q- Yes.

2 A But I guess I didn't have any -- it is a little
3 bit like I am today. I didn't have any -- I didn't have
4 any reason to be concerned or to have -- I didn't have
5 any feeling that there was anything wrong with it being
6 investigated.

7 So, I don't recall -- just can't recall him
8 saying the purpose of the investigation directly.

9 Q And you don't recall him asking whether he would
10 be able -- he or the Department of Justice would be able
11 to have access the next day to your offices?

12 A All I recall is asking him whether he wanted me
13 to come in to talk to these people. He said no, they would
14 contact you.

15 Q The night of the 21st after this conversation
16 with Thompson, do you remember whether you spoke to either
17 Earl or North?

18 A I don't remember -- on the investigation,
19 I don't remember specifically.

20 Q Did you talk -- do you have any recollection of
21 how late you worked the night of the 21st?

22 A No. That bothers me. Others have asked the
23 same question. I don't have a calendar, and I don't have
24 any recollection.

25 I have asked my wife if she can remember if we

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1 went out or something. I just don't have any recollection.

2 Q Would you have had to sign out with the guard
3 or something if you left after hours?

4 A If I had been the last one out --

5 Q The last one out of --

6 A The office. To secure the office, the last
7 one out has to call and tell the Secret Service that you
8 are securing the office.

9 Q Do you think you did that?

10 A I am sure that I didn't.

11 Q You are sure you did not?

12 A Yes.

13 Q But do you have any recollection of whether Earle
14 or -- let me put it this way. Surely if either North or
15 Earle was there at the time you got this call about the
16 Department of Justice starting an investigation, you would
17 have mentioned it to them?

18 A I would have. That is what I am saying. The
19 normal course of events, I would have mentioned that.

20 What I am saying is, I can't remember any -- the
21 conversation, or I can't remember -- you know, you have a
22 memory of walking into somebody's office and saying
23 something. But I don't have any memory of that happening.

24 I could have very easily have PROFed a note to
25 them and said if they weren't around, just so they had it.

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1 I have no recollection of what I did exactly after I got
2 the call.
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1 Q Do you think that you would -- and I know that
2 you don't have a specific recollection, but it may be
3 based on your general habit or practice. Do you think
4 there is a likelihood that you would have spoken to them
5 or left them a note, one or the other? Do you think it
6 is unlikely you simply would have left without informing
7 them?

8 A It is unlikely I would have left without
9 ascertaining that they already knew in some way, that
10 they were aware. I just don't recall how that happened.

11 Q Did you come in on the 22nd?

12 A Saturday?

13 Q Yes.

14 A No.

15 Q Did you come in on the 23rd?

16 A Yes.

17 Q On the 23rd when you came in, did you learn
18 that the Department of Justice had been inside of your
19 offices?

20 A Yes.

21 Q How did you learn that?

22 A I arrived there at roughly 12:00 or 1:00 or
23 thereabouts, and a guy named Jock Scharfen, who had
24 occupied one of the offices upstairs, a lawyer at NSC,
25 was in the office. He was the only one there. I walked

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1 up to my office, poked my head in there; he was there.

2 He said --

3 Q I am sorry. Where is he? In your office?

4 A No. He is in the middle office.

5 Q Right. I got you. There are three offices on
6 the top floor?

7 A Yes.

8 Q He is in the middle one? You are in the one
9 on the right?

10 A Which way are you facing?

11 Q I am facing the windows.

12 A Facing the windows, I am on the left.

13 Q Earl is on the right?

14 A Yes.

15 Q You are right above North?

16 A Yes.

17 Q Great.

18 A I came up the stairs, walked over to my office.
19 Jock was there. He said that Brad Reynolds and somebody
20 else, probably Cooper, were downstairs.

21 Q Had been or were?

22 A He said they were downstairs. I poked my head
23 in, looked around the corner. There was nobody there.
24 I said, There is nobody there. He said, Well, they must
25 have gone to lunch. They will be back soon. I said,

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1 Fine.

2 Then I went through some cable traffic and was reading.
3 Shortly after that, Ollie came in and asked if I could give
4 him a ride to the Department of Justice because he was
5 going to meet with Meese. I said, Sure, I'd give him a
6 ride.

7 I gave him a ride at 12:30, something like that,
8 whenever he was supposed to meet with Meese. I dropped
9 him off and went home.

10 Q Did you have any conversation -- let me ask you
11 this first: Did you ever see Reynolds and Cooper in the
12 offices?

13 A No.

14 Q Did you have any conversation with North now
15 about the reason he was meeting with Meese?

16 A Well, when we rode in the car over, it was
17 again a tense situation, because I knew about the investi-
18 gation of this. So you didn't want to talk. He didn't
19 want to talk about anything that would jeopardize or
20 prejudice anything about it. So it was a very vanilla
21 conversation.

22 Q It was a very -- excuse me?

23 A Vanilla. There was nothing there.

24 Q Did you have any discussion about the investi-
25 gation at all?

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UNCLASSIFIED

122

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1 Let me ask you this: Did he tell you whether or
2 not he had been in on the 22nd?

3 A At some point he had told me. I don't remember
4 if it was in the car on Sunday, or Monday, or sometime;
5 but he mentioned something about being in to -- until very
6 late on Friday night or Saturday morning.

7 Q By Friday night or Saturday morning, you mean
8 either Friday night into the early hours of Saturday
9 morning?

10 A Yes.

11 Q Do you know whether he had come back in on
12 Saturday?

13 A I didn't know that. I don't know.

14 Q Did he tell you what he was doing so late on
15 Friday night?

16 A No.

17 Q There is a report -- there has been a report
18 that the shredders were full as of at least Monday morning.
19 When you went in on Sunday, were the shredders filled?

20 A The FBI has asked that question. I just don't
21 have any -- the shredders were back around the corner in
22 the closet. It was not something I routinely did, was
23 go look at the shredder.

24 Q You didn't have occasion to see the shredder?

25 A It could have been full, could have been empty.

UNCLASSIFIED

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123

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1 To be perfectly honest with you, it wouldn't have made any
2 difference to me one way or the other. It was not something
3 I was thinking of at that time.

4 Q Although as of this time you knew there had been
5 a Department of Justice investigation about to start. If
6 you had seen heaps of records or heaps of shredded docu-
7 ments, I suppose you might have made some connection
8 between those two events?

9 A I probably would have. It would have struck
10 me as something not particularly Kosher.

11 Q Was Colonel North nervous as of the time you
12 were driving him to the Department of Justice?

13 A No. Actually he seemed pretty calm.

14 Q Did you have any conversation with the lawyer
15 whose name I just forgot? Scharten?

16 A Jock Scharten.

17 Q Did you have a conversation with him about what
18 Reynolds and Cooper had been doing there?

19 A Just going through all of Ollie's files.

20 Q Did you ever talk to Reynolds and Cooper?

21 A No.

22 Q They never asked to interview you?

23 A No.

24 Q When is the next time you saw North after you
25 drove him down to the Attorney General's office?

UNCLASSIFIED

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1 A That was Sunday.

2 Q Right.

3 A I would have seen him Monday.

4 Q He came to work on Monday?

5 A I am pretty sure he did.

6 Q Did you have any conversation with him about the
7 meeting with the Attorney General?8 A I think I probably would have asked him how it
9 went, if there were any problems, anything. He didn't say
10 there was a problem. It was a noncommittal reply.11 Q Did you tie any of this into -- in your own
12 mind, did you tie any of this investigation into the phone
13 call you had gotten from the ^{time} reporter about whether
14 Ollie needed an attorney?15 A Tie it in? I figured it was -- no. Tie it
16 in.17 Q Well, did you remember that event at the time
18 you found out they were starting to investigate?

19 A No, not really.

20 Q Was it your notion that he was being investi-
21 gated only for the Iran part of his activities?22 A I think that was my general impression at the
23 time.24 Q You didn't have an impression that part of the
25 investigation might have dealt with his activities with**UNCLASSIFIED**

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125

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1 regard to Central America?

2 A I don't recall having that impression.

3 Q So what you are essentially telling me is you
4 didn't have any substantive conversation with North about
5 his meeting with the Attorney General?

6 A No, I didn't.

7 Q Have you ever?

8 A No.

9 Q When is the last time you talked to Oliver
10 North?

11 A Probably November. I think I tried to call him
12 around Thanksgiving to say howdy and happy Thanksgiving.
13 I don't think I got through. I didn't get through. I'm
14 not sure when I last talked to him. A long time ago.

15 Q A long time ago. Certainly not since the first
16 of the year?

17 A No.

18 Q Have you spoken to his lawyer?

19 A No.

20 Q After -- let me start with November 24. I am
21 almost done. I am within minutes now, I swear.

22 A I'll be glad to come back.

23 Q Really, I am definitely almost done. It is
24 probably easier for everybody if I just finish. Probably
25 easier to get it done.

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126

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1 Did you discuss this matter on November 24 or
2 thereafter with Admiral Poindexter?

3 A No.

4 Q Did you ever discuss it with Mr. McFarlane?

5 A No.

6 Q Did you discuss this allegation or the suggestion
7 that Mr. Meese made at the press conference of November 25th
8 about the diversion; did you discuss that with any members
9 of the NSC staff?

10 Let me ask it this way: Did you discuss it with
11 Bob Earl?

12 A I'm sure I probably did.

13 Q Was he aware of it? Was he aware that the
14 diversion had taken place independent of the press
15 conference?

16 A Not that I -- he didn't give me that indication.

17 Q Did he -- do you recall when after -- was he in
18 on the 23rd, Sunday the 23rd?

19 A Not that I saw.

20 Q So you did not discuss any of this with him on
21 the 23rd?

22 A No.

23 Q Did you discuss the investigation with him on
24 the 24th?

25 A Yes, I am sure we did.

UNCLASSIFIED

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127

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1 Q -- Did he indicate that he had any knowledge about
2 what was going on?

3 A No. At that point, it started to get kind of
4 antsy, where nobody wanted to say anything to anybody
5 else.

6 Q When is the last time you talked to Mr. Earle?

7 A It would have been late January.

8 Q Late January?

9 A Yes.

10 Q What was the context of that conversation?

11 A It was a context -- the context of the conversa-
12 tion was he was over at a new job over at the Marine Corps.
13 His wife was due with a baby. How is it going, that type
14 of thing.

15 Also, I was getting ready to leave. He had a --
16 it was a folder he had left behind with his name on it
17 that had letters of invitation to talk to the Hill, back
18 in December, and had copies of the chronology, that type
19 of thing in it. I asked him what he wanted done with it.
20 He said I could send it over to his office, because he
21 had storage over there.

22 I assumed it was his, for his use in preparation
23 for testifying at some point. So I gave it to his
24 secretary, said to check with security people, the execu-
25 tive secretariate, on how to send this thing to him, if

UNCLASSIFIED

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1 we can send it to him.

2 Q Do you know whether it was sent?

3 A It was not sent.

4 Q Do you know why it wasn't sent?

5 A It was not sent because it was brought to the
6 attention of the security people and Paul Stevens, who said
7 it was not appropriate and was not personal material, that
8 it belonged to the NSC and it shouldn't be sent.

9 Q Right. I was hoping that would be the answer.

10 MR. EGGLESTON: I don't think I have anything
11 else.

12 MR. VAN CLEVE: I would like a moment to confer
13 with Mr. Eggleston. Then I have just a couple of questions.
14 Excuse me.

15 (Recess.)

16 EXAMINATION

17 BY MR. VAN CLEVE:

18 Q Back on the record.

19 I just have a couple of brief questions, Mr.
20 Coy. If you don't understand anything I am going to ask,
21 please stop me and ask me to clear it up.

22 My understanding is that last week you met with
23 a couple of the investigators for the Select Committee;
24 is that correct?

25 A Yes.

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1 Q And you recall your discussion with them about
2 various things?

3 A Yes.

4 Q Do you recall a discussion of events after the
5 shootdown of the Hasenfus plane in October of 1986?

6 A Was it with the investigators?

7 Q Yes.

8 A Not specifically, but help me along.

9 Q I will do that.

10 My understanding is that you discussed a conver-
11 sation you had with Colonel North after the shootdown with
12 the investigators; is that correct? You testified to that
13 conversation?

14 A Yes. I am trying to think what I might have
15 said differently, if I did say anything differently.

16 Q Do you recall having told the investigator that
17 during that conversation, you said to Colonel North, "I
18 hope all of this stuff you are doing is legal," to which
19 North replied, "Yeah, it is; the President signed off on
20 it."

21 Do you recall having made those statements?

22 A I don't think I would have said the President
23 signed off on it. If I did -- as I recall that conversa-
24 tion with the investigators, I was describing the note I
25 had taken from Helevy and they asked if I had any

UNCLASSIFIED

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130

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1 knowledge, you know, whether or not -- what North had done
2 with legal.

3 I recalled a conversation along those lines,
4 related to the PROF note. If I said that, that the
5 President signed off to it -- if that's what they said I
6 said, I am sure I said it.

7 Q Could you speak up so the reporter can hear you?

8 A I don't recall that part of the conversation.

9 Do you recall that?

10 MR. EGGLESTON: I don't know that ^{it} really matters
11 what Mr. McGrath recalls in any event.

12 THE WITNESS: Oh. Okay.

13 BY MR. VAN CLEVE:

14 Q You do or do not recall having made that
15 statement?

16 A I don't recall making that statement. I could
17 have made the statement.

18 Q You could have made the statement? Is it your
19 testimony now that you recall Oliver North having said,
20 "Yeah, it is legal; the President signed off on it"?
21 Yes or no?

22 A I have to honestly say I can't remember North
23 saying that, but it is my understanding that what North
24 said was what he was doing was legal, and it was okay.
25 But when you put that bit on there about the President, I

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131

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1 just -- I'll take them at their word. I don't recall having
2 said that. I'm not sure I would have said that. As of
3 today, I don't recall that part of the conversation.
4 I don't --

5 Q Have you had occasion to discuss your testimony
6 before this committee or before any other official body
7 on the Iran-contra affair with officials in the Executive
8 Branch?

9 MR. MCGRATH: Could you repeat the question?

10 (The reporter read the record as requested.)

11 THE WITNESS: Just my -- I was investigated or
12 asked questions by the FBI. So I told them what I knew.

13 BY MR. VAN CLEVE:

14 Q Anyone else?

15 A No. Because we were told not to. McGrath was
16 there when I testified to the Senate Intelligence Committee.

17 MR. VAN CLEVE: The witness is indicating his
18 counsel.

19 I have no further questions. Thank you very
20 much.

21 MR. EGGLESTON: Thank you, Mr. Coy.

22 Mr. MCGRATH: If I may make one statement on
23 the record. All references to documents, chronologies,
24 Presidential statements, et cetera, were based on Mr. Coy's
25 independent recollection of those. At no time was he

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1 offered the documents to review.

2 MR. EGGLESTON: Fine.

3 Thank you very much. Mr. Coy, thanks for coming
4 down. We appreciate your cooperation.

5 (Whereupon, at 1:20 p.m., the deposition was
6 concluded.)

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Stenographic Transcript of
HEARINGS
Before the

SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE
TO IRAN AND THE NICARAGUAN OPPOSITION

UNITED STATES SENATE

TESTIMONY OF CRAIG P. COY

Monday, June 1, 1987

Partially Declassified/Released on 8-19-87
under provisions of E.O. 12356
by B. Reger, National Security Council

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Washington, D.C.

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TESTIMONY OF CRAIG P. COY

Monday, June 1, 1987

United States Senate

Select Committee on Secret

Military Assistance to Iran

and the Nicaraguan Opposition

Washington, D. C.

Deposition of CRAIG P. COY, called as a

witness by counsel for the Select Committee, at the
offices of the Select Committee, Room SH-901, Hart Senate
Office Building, Washington, D. C., commencing at 9:25
a.m., the witness having been duly sworn by MICHAL ANN
SCHAFFER, a Notary Public in and for the District of
Columbia, and the testimony being taken down by Stenomask
by MICHAL ANN SCHAFFER and transcribed under her
direction.

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1 APPEARANCES:

2 On behalf of the Senate Select Committee on Secret
3 Military Assistance to Iran and the Nicaraguan
4 Opposition:

5 MARK BELNICK, ESQ.

6 Executive Assistant to the Chief Counsel

7 VICTORIA NOURSE, ESQ.

8 On behalf of the House Select Committee to
9 Investigate Covert Arms Transactions with Iran:

10 RICHARD J. LEON, ESQ.

11 Deputy Chief Minority Counsel

12 CLARK HALL, ESQ.

13 On behalf of the White House:

14 C. DEAN MC GRATH, JR., ESQ.

15 Associate Counsel to the President

16 The White House

17 Washington, D. C.

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C O N T E N T S

1			
2		EXAMINATION ON BEHALF OF	
3	WITNESS	SENATE	HOUSE
4	Craig P. Coy		
5	By Mr. Belnick	4	
6	By Mr. Leon		44

E X H I B I T S

8	COY EXHIBIT NUMBER	FOR IDENTIFICATION
9	1	30
10	2	31
11	3	37
12	4	38
13	5	40
14	6	41
15	7	42
16		

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1 P R O C E E D I N G S

2 Whereupon,

3 CRAIG P. COY,

4 called as a witness by counsel on behalf of the Senate
5 Select Committee and having been duly sworn by the Notary
6 Public, was examined and testified as follows:

7 EXAMINATION ON BEHALF OF THE SENATE COMMITTEE

8 BY MR. BELNICK:

9 Q Commander Coy, you began as a member of the
10 National Security Council staff in early 1986?

11 A That's correct.

12 Q Approximately in February?

13 A February, first of March.

14 Q This was right after your service on the Vice
15 President's Terrorism Task Force?

16 A That's correct.

17 Q Was Colonel North a consultant to that Task
18 Force?19 A He was one of many we brought in, over 100
20 different people, but yes, he was.21 Q Had you known Colonel North prior to knowing
22 him during the Task Force?23 A I had met him once when I was working in the
24 White House in the Domestic Policy -- Office of Policy
25 Development -- I was asked to get some information on a**UNCLASSIFIED**

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1 crime bill sent to North, and so I met him at that time.

2 Q Who asked you to join the NSC staff?

3 A Admiral Poindexter.

4 Q And he asked you and Lieutenant Colonel Robert
5 Earl at about the same time?

6 A That's correct.

7 Q And both of you worked in the same unit at the
8 NSC?

9 A Yes.

10 Q Now Political-Military Affairs, was that the
11 name of the unit?

12 A That was the name of the unit that Ollie was
13 attached to. We were officially attached to the Crisis
14 Management Center for administrative purposes, and then
15 attached to work with Ollie.

16 Q But in fact you, Earl, and Lieutenant Colonel
17 North were part of the same unit?

18 A That's correct.

19 Q And was it a special unit reporting to Admiral
20 Poindexter?

21 A That's correct.

22 Q Let me take you to the period of November
23 1986, and I'd like to direct your attention, if I may, to
24 Friday, November 21, 1986. That was the day -- just to
25 set it in context -- on which the Attorney General of the

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1 United States received the assignment to look into the
2 Iran issue, which had by then been boiling in the press.

3 Do you have the date in mind?

4 A Yes.

5 Q Now prior to then there had been work by the
6 NSC staff, under Admiral Poindexter, on preparing
7 chronologies of the Iran matter, correct?

8 A Yes.

9 Q And you had some involvement in those
10 chronologies?

11 A Yes, I did.

12 Q I don't want to get into all the questioning
13 that took place at your last deposition, but would you
14 summarize what your work was on the Iran chronologies?

15 A Basically my role was to help where I could in
16 joining the office and putting the thing together. I
17 would read through drafts for grammar and make sure the
18 sentence construction made some sense, and then the
19 portion in the chronology near the beginning that
20 discussed other arms shipments by other countries to
21 Iran, I provided some of the information on that.

22 Q Now by that point -- namely the point at which
23 you started working on the chronologies -- had you been
24 briefed into the Iran compartment?

25 A I had never been briefed in a formal sense,

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1 but I was aware of the Iran compartment. I mean, I
2 didn't sign any form or anything like that.

3 Q Well, prior to the disclosures in the foreign
4 press in early November had you been aware, had you known
5 of the trip by McFarlane and North and others to Tehran?

6 A Yes.

7 Q How did you learn that?

8 A I learned of that two or three days prior to
9 the McFarlane trip as preparations were being made for
10 the trip. Ollie had asked Bob to do some backup work for
11 him. We were working out of the same office, so I just
12 overheard things and stumbled upon it, and finally got
13 told that they were on their way to Tehran.

14 Q You learned of it gratuitously?

15 A Yes.

16 Q Did you have any role in the Iran initiative
17 prior to the disclosures in the foreign press in
18 November?

19 A Direct role?

20 Q Yes, sir.

21 A No, just other than receiving information and
22 passing it on. I did help in the coordination of the
23 release of Jacobsen and the one prior to that.

24 MR. LEON: Weir?

25 MS. NOURSE: Jenko?

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1 THE WITNESS: Father Jen^Cko.

2 BY MR. BELNICK: (Resuming)

3 Q Do you know whether any money was paid in
4 connection with the release of Jacobs^{en}?

5 A Money paid?

6 Q Yes, sir -- in the nature of ransom or payoff.

7 A For Jacobs^{en}?

8 Q Yes, sir.

9 A No, I don't think so.

10 Q Would you be surprised if you heard that money
11 was paid, or at least it would be news to you?

12 A Yes, it would.

13 Q At any time prior to November had you heard
14 that any of the monies that were being -- well, let me
15 strike that.

16 Did you know prior to November that the Iran
17 initiative also involved selling arms to Iran?

18 A Yes.

19 Q Is that one of the things you learned?

20 A Yes.

21 Q Did you learn anything about how the price of
22 those arms was being set?

23 A Not specifically. I knew that the prices were
24 being set, and that was something that Ollie had asked
25 Bob to help with, and that they were setting the prices

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1 to sell them. That's about it. I didn't understand the
2 change in prices or markup or how they were being sent.

3 Q Did you know there was a markup?

4 A Well, I found that out subsequently, but I
5 knew that they were setting some prices.

6 Q How did you know that?

7 A Just conversations, overhearing conversations.
8 Bob was working with --

9 Q By "Bob" you mean Bob Earle?

10 A Bob Earle. Bob was working with the CIA --
11 [REDACTED] -- on those things.

12 Q That's something you observed?

13 A No, I didn't observe it, but I knew about it.

14 Q Did Bob ever tell you, Bob Earle, that there
15 was a markup in the price to the Iranians?

16 A Not a markup.

17 Q Well, how did he put it?

18 A Just that -- well, he never talked about it
19 specifically that I recall. They were setting prices,
20 and in my mind at the time I thought they were setting
21 prices for Ghorbanifar, who was then selling them to the
22 Iranians.

23 Q All right. Well, did you understand that the
24 price they were setting to Ghorbanifar was higher than
25 the price that was being paid to the Department of

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1 Defense for the weapons?

2 A Not higher, just different. I guess I would
3 have assumed it was higher, but I just didn't --

4 Q Different means either higher or lower. You
5 didn't think they were selling it for less?

6 A I didn't think it was lower, so I guess it
7 would have been higher, but it was nothing I was aware
8 of. I just thought it was a straight deal.

9 Q Well, did anybody tell you what was to be done
10 with the difference -- that is, the higher price received
11 from Ghorbanifar?

12 A No.

13 Q Did anyone tell you prior to November that any
14 of the monies that were being generated from the Iran
15 arms sales were going to be used for the benefit of the
16 Nicaraguan freedom fighters?

17 A No.

18 Q You never heard that?

19 A No.

20 Q What we refer to as diversion you heard for
21 the first time on November 25 when the Attorney General
22 announced it?

23 A That's correct.

24 Q Now, going back to your work on the
25 chronologies, during that period in November, when you

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1 were at work on that task, did you hear any discussions
2 concerning how the shipment of weapons to Iran that took
3 place in November 1985, a year earlier, would be
4 portrayed in the chronologies?

5 A I don't remember any specific discussion other
6 than they were trying to figure out, trying to recall,
7 the sequence of events and what actually happened, so
8 there was some discussion as to did this happen, did that
9 happen, back and forth. But I don't recall a specific
10 conversation.

11 Q Do you recall whether there were discussions
12 over whether to say that no one in the United States
13 Government knew that the November 1985 shipment contained
14 weapons or not?

15 A I'm trying to remember what I knew then versus
16 what I've come to understand now. The only part of that
17 sequence that I recall with any specificity was the point
18 as to the return of the HAWK missiles, and that point in
19 the chronology, whether that was done at our request or
20 at somebody else's request, and that type of point.

21 But I don't recall specifically on that other
22 point.

23 Q Let's go on now, back to that date of Friday,
24 November 21, 1986, which I mentioned before, the day the
25 Attorney General gets his assignment to conduct a fact

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1 inquiry. Do you remember whether you were in the office
2 that day?

3 A Yes, I was.

4 Q And did you have any conversations with
5 Colonel North on that day about the Attorney General's
6 inquiry?

7 Q I don't recall specifically any conversation
8 with North. What I recall is receiving a call from Paul
9 Thompson sometime late in the afternoon.

10 Q And what did he say to you?

11 A He said that the Department of Justice would
12 be coming over to look into, start an investigation on
13 this Iran thing, and that I should be prepared to answer
14 any questions and be available to them.

15 Q Did Paul Thompson ask you to pull any
16 documents?

17 A No.

18 Q You mentioned at your last deposition, by the
19 way, that you thought Paul Thompson may have had a KL-43
20 communications device. Do you recall that?

21 A Yes.

22 Q On what did you base that thought?

23 A Just the fact that he traveled with Admiral
24 Poindexter and wanted to stay in contact with North, so I
25 thought he had one.

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1 Q Were you in the office all day on November 21,
2 1986?

3 A I can't recall.

4 Q Well, as far as you know it was a regular day?

5 A It was a regular day.

6 Q And your usual hours were, when you worked in
7 Suite 302?

8 A Probably 7:30-8:00 until 6:30-7:00.

9 Q Did you see any documents being shredded on
10 that day?

11 A Did I see any? No.

12 Q Did you know that there was document
13 destruction going on in the suite that day?

14 A No, I did not.

15 Q Were you in the suite most of the day?

16 A I assume so. I don't have a calendar or
17 anything to look at. I assume I would be.

18 Q But you have no recollection of seeing any
19 document destruction or shredding on November 21?

20 A No.

21 Q Let me not limit it to November 21. Take it
22 from that day forward to the next week. Were you aware
23 at any time that documents were being destroyed from the
24 files in suite 302, shredded?

25 A I was aware from sometime the next week, after

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1 the office was sealed up, Fawn had told me that she had
2 shredded some 50 or some PROF notes, so I thought that
3 wasn't too smart a thing to do. Of course, it was too
4 late to stop her at that point, but I had my first FBI
5 hearing and told them that.

6 Q When did Fawn Hall tell you about her
7 participation in shredding? I'll help you with the
8 dates. The Attorney General's press conference was on
9 Tuesday, the 25th, and the office was sealed that day,
10 that afternoon, I believe.

11 A I think it was sealed on Monday night, wasn't
12 it?

13 Q I don't believe so. I don't think so. I
14 don't think it was sealed until after the press
15 conference.

16 A After the press conference. Then what day is
17 Thanksgiving?

18 Q Thursday.

19 A She would have told me Wednesday, then.

20 Q Wednesday the 26th. And what do you recall
21 that she said to you?

22 A Just that she had shredded some PROFs
23 documents, statements.

24 Q Were you and she the only participants in that
25 conversation?

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1 A As I recall.

2 Q Where was it? In suite 302?

3 A I don't even remember the conversation, but I
4 am sure it would have been there.

5 Q Do you know how she came to tell you?

6 A No. I don't remember the specifics at this
7 point, other than the fact of what I told the FBI at the
8 time.

9 Q And you said to her?

10 A I don't recall saying anything other than it
11 did not sound like too smart a thing to do and they
12 shouldn't have been doing that. But what I remember of
13 the conversation is her claiming to have shredded PROFs
14 statements.

15 Q Did she tell you why she shredded those PROFs
16 messages?

17 A I don't recall specifically, but if she did,
18 it would have been ^tat Ollie's request, I am sure.

19 Q Did she tell you whether anyone else shredded
20 documents?

21 A No, she didn't.

22 Q Did she tell you whether she had altered
23 documents as well as shredded documents?

24 A No, she didn't tell me that.

25 Q Did she tell you whether she had taken

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1 documents out of suite 302?

2 A No, she didn't tell me that, but I knew that
3 she was, based upon what Brenda Rieger had said when she
4 sealed the office, that personal papers could be given to
5 Ollie, which was phone logs and calendars and things like
6 that, so I think she took some of those things to him.

7 Q Aside from those things which Brenda Rieger
8 said were permissible to be taken out of the office do
9 you know whether Fawn Hall took other documents out of
10 suite 302 that were not supposed to leave that suite?

11 A Not that I'm aware of.

12 Q She didn't mention anything to you about that?

13 A No, not that I recall.

14 Q Going back to the 21st of November, did you
15 observe on that day that any documents were being changed
16 in suite 302, altered?

17 A No. No, I didn't see any changing. I saw
18 normal typing and things like that.

19 Q Were you at work on Saturday, November 22?

20 A No.

21 Q Not on November 23 either, that Sunday?

22 A Sunday I was in.

23 Q During what part of the day?

24 A Around noon, 1:00.

25 Q And who did you find in the office when you

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1 were there?

2 A Jacques Sharfen.

3 Q Was North there?

4 A He wasn't there when I got there. He came in

5 subsequently.

6 Q Anyone else there aside from you and Sharfen?

7 A No.

8 Q And it was normal work while you were there on

9 that Sunday?

10 A Well, there wasn't much normal at that point.

11 Q What were you doing on Sunday?

12 A I came in to go through message traffic to see

13 how things were going, if there was anything that needed ..

14 to be done. Jacques was there and he said that two

15 Justice Department attorneys were in Ollie's office. I

16 could see that they weren't when I went upstairs. He

17 said they must have gone to lunch, so I went through my

18 cable traffic and went up to my office.

19 Q Did you have any discussion with North on that

20 day?

21 A Just when he came in he asked if he could get

22 a ride to the Attorney General's office. He had to go

23 see him that afternoon. I said fine, I'd be glad to give

24 him a ride and I took him over there and dropped him off

25 and went home.

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1 Q Any conversation in the car?

2 A Just social conversation -- nothing specific.

3 Q Okay, fine. Monday, the 24th of November, did
4 you have any conversations with North on that day about
5 the investigation of the Iran matter?

6 A I asked him how his meeting with Meese went,
7 if he'd been called in to talk to the Justice Department
8 people. He said it went fine, no problems, no particular
9 problems.

10 Q Okay. Was that the only conversation you
11 recall having on that Monday, the 24th, about the Iran
12 matter or the investigation?

13 A That's the only specific thing I recall. I
14 don't recall anything.

15 Q Now Tuesday, on the 25th, you watched the
16 Attorney General's press conference?

17 A That's correct.

18 Q In your offices?

19 A Yes.

20 Q And you were upstairs?

21 A Yes.

22 Q And Colonel Earle was watching with you?

23 A I don't know that he was with me. I was back
24 in my little suite and I was looking out at the set. I
25 don't think he was up there with me.

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1 Q You heard the Attorney General announce, among
2 other things, evidence of what I think he referred to
3 then as the diversion of the proceeds.

4 A Yes.

5 Q From Iran to the contras.

6 A Yes.

7 Q And that was, as you've testified, the first
8 time you had heard about that?

9 A That was a big shock.

10 Q Did you ask Colonel Earle any questions about
11 that when you heard it?

12 A I don't recall asking Earle. I remember going
13 downstairs as soon as I heard it and asking North about
14 it, and asking what the heck was going on, or words to
15 that effect. And he just sat there and shrugged and
16 didn't say anything. I mean, I took it to be true, based
17 on this thing, and so I went back up to see what other
18 little bombshells I would be hearing that day.

19 Q You don't recall asking Colonel Earle on that
20 day whether he had known about the so-called diversion?

21 A No, I don't recall asking Earle about that.
22 The only time in which I found out that Earle knew
23 anything about it was I had gotten a call from or Reed
24 had gotten a call, I guess -- I think it was me -- from
25 Ron Sable, who was the NSC Congressional liaison, and he

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1 asked if we were aware of some memo that talked of the
2 diversion and asked that we both come up to his office.

3 Earle and I went up to his office and he asked
4 us if we knew anything about this memo. I had never seen
5 it and didn't know about it, and Earle had said that he
6 had seen it from North on Monday morning.

7 Q Monday the 23rd?

8 A Yeah.

9 MR. MC GRATH: The 24th.

10 BY MR. BELNICK: (Resuming)

11 Q Twenty-fourth, rather. Thank you.

12 A And Ollie had pointed to a paragraph in the
13 memo saying this is where it talks about the diversion or
14 something like that.

15 Q And that was the first time you had heard of
16 or seen the document?

17 A I still hadn't seen the document. Earle was
18 just describing the fact that he had seen the document.

19 Q That was the first time you'd heard about that
20 document?

21 A That's right.

22 Q And you never saw a document prior to then
23 that recited anything about taking money from the Iran
24 matter and using it for the benefit of the contras?

25 A Not that I remember, no.

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1 Q Now I want to take you to the day when you
2 participate in a conversation on the second floor landing
3 at suite 302 with Colonel North and Colonel Earl. Do you
4 have in mind the conversation I'm talking about?

5 A I know what you're talking about.

6 Q Now do you remember what day that conversation
7 took place, whether it was on the same day as the
8 Attorney General's press conference or the next day?

9 A I frankly don't recall exactly, but the more I
10 think about it in trying to put these things into some
11 sequence I would have to put my money on Wednesday, that
12 it was on a Wednesday. But others have suggested it was
13 on Tuesday.

14 Q You're not 100 percent sure?

15 A I'm not 100 percent sure, but my guess is, if
16 I had to put money on it, I'd put it on Wednesday.

17 Q In any event, it came after --

18 MR. MC GRATH: You might want to explain why
19 you think it's Wednesday.

20 THE WITNESS: Well, the reason I think it's
21 Wednesday is because I think the point in the
22 conversation that you're interested in is reference to
23 the President.

24 BY MR. BELNICK: (Resuming)

25 Q Correct.

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1 A And when I've been asked about this before I
2 frankly didn't have any -- that's not the part of the
3 conversation that I remember. But through questioning
4 I'm trying to come up with how I recall the conversation,
5 is essentially the President calling Ollie. It was a
6 confirmation of the President calling Ollie, saying that
7 he was sorry that he had to let him go. And prior to
8 hearing about Secord's testimony I was under the
9 assumption that the President had called him at home. I
10 didn't think that he had called him in the office. I was
11 pretty sure I would have heard about that.

12 And I have some recollection of a newspaper
13 article that said the President had called Ollie. So if
14 he had called him on Tuesday, it couldn't have been a
15 newspaper article, so I'm assuming it was on Wednesday.

16 Q Okay, fine. Assuming it was on Wednesday,
17 tell us what you recall about the conversation -- and
18 this is a conversation involving you, Colonel Earle and
19 Colonel North?

20 A Well, it was in the evening and Ollie had come
21 in and had walked upstairs and was going to say goodbye
22 and see you later. I had heard him come in and he was
23 over talking to Bob and then I think he came over to my
24 side, but he may not have. I could have walked out into
25 the open area there.

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1 And Ollie said he was sorry it had to end this
2 way and didn't mean for it to end this way, didn't think
3 it would end this way.

4 Q Ollie said that he, Ollie, was sorry?

5 A Yeah, and I remember him kind of banging his
6 hand on the bannister and thinking it was too bad all
7 this had to happen. And then there was some mention of
8 the President's phone call, that he had in fact called
9 and said he was sorry that he had to let Ollie go, but he
10 had to -- something along those lines.

11 But that's about it.

12 Q I believe you told me when you spoke prior to
13 today, Craig, that you joined that conversation with
14 North and Earl after it had been in progress.

15 A Yeah, I think that's true.

16 Q But so far as you know the President's phone
17 call to Ollie was a subject that came up while you were
18 there. That's the impression anyway, as I understand.

19 A I suppose so.

20 Q You have no way of knowing?

21 A No.

22 Q Now do you have any recollection of hearing
23 Oliver North say, in words or in substance, that the
24 President had also said to him -- that is, North --
25 during that telephone conversation that there were

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1 certain things that he, the President, couldn't know or
2 shouldn't know?

3 A No, I don't recall that.

4 Q Nothing like that at all?

5 A No. That sounds too much like a Watergate-
6 James Bond kind of thing. I think I would have recalled
7 something like that, and it just didn't strike me as
8 anything like that in the conversation, and it doesn't
9 match anything that I heard or happened subsequent to
10 that. When I was first asked to go up and testify to the
11 Senate Intelligence Committee, I mean, all the words we
12 got were tell them everything you know.

13 So that's why I've been here willing to do
14 that and anxious to do that.

15 Q Have you been told that Colonel Earl~~l~~ has a
16 distinct recollection that North said about the
17 President's call that the President had said to him, in
18 words or in substance, that there are certain things that
19 I as President can't know or that they tell me there are
20 certain things that I can't know? Has anyone told you
21 that Colonel Earl~~l~~ distinctly recalls North saying that
22 about the call?

23 A No.

24 Q I've just told you. Does that affect your
25 recollection in any way?

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1 A Not really.

2 Q By the way, when is the first time that you
3 recall, Craig, that North had talked about a phone call
4 from the President during that landing conversation?

5 A When I was over talking to the Independent
6 Counsel they asked about the same conversation and they
7 asked me to recall the conversation, and my recollection
8 initially was just of Ollie saying goodbye and banging
9 his hand. They asked specifically about the President
10 and that conjured up some memory of that conversation,
11 but that's it.

12 And I've scoured my brain, you know, trying.
13 It feels like a toothpick or with a grinder, you know,
14 trying to find the little brain cell in there that may
15 have heard something like that, but I can't find it.
16 It's just not there.

17 Q But prior to the time -- and I take it that's
18 within the last month or so -- that the Independent
19 Counsel said to you wasn't there a reference to the
20 President and a Presidential call to North in that
21 landing conversation you hadn't recalled that there was
22 any reference to the President?

23 A That was not the event in the conversation
24 that springs to mind. I hadn't even thought about it, to
25 tell you the truth. It was not something that when you

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1 ask me to describe something that I would throw in as
2 something to describe the event.

3 Q Do you know whether it was typical for North
4 to have conversations with the President?

5 A Typical?

6 Q Yes. Did North talk about conversations with
7 the President regularly?

8 A No. He said he met with him and talked with
9 him on occasion, but it was not a typical, everyday
10 occurrence.

11 Q Was it unusual for North to talk to the
12 President, so far as you know?

13 A Yeah, I think so.

14 Q Let me ask you a little bit more about Iran.
15 If I refer to the second channel in connection with the
16 Iran initiative, do you know what I'm talking about?

17 A Yes.

18 Q Did you have any meetings with the second
19 channel?

20 A Personally?

21 Q Yes, sir.

22 A No. Well, I met him as he came into the
23 office to meet with North and Secord and George -- I
24 think it was George, George Cave -- and Hakim, and then
25 they met behind closed doors. And then he came out at

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1 some point in the afternoon looking for a prayer rug or
2 something to pray on. We didn't have anything, so I gave
3 him my gym towel.

4 He went into Earl's office and sat down on the
5 prayer towel and did his thing.

6 Q And did he immediately turn into an athlete?

7 A No. I've become quite a good distance runner,
8 though.

9 Q Did you get your gym towel back?

10 A I got my gym towel back.

11 Q With an inscription?

12 A No.

13 Q No cake, no nothing?

14 A No cake, no key, no Bible -- nothing -- just
15 my gym towel back, although I have to confess it's been
16 washed.

17 Q Aside from that event, did you have any
18 participation in negotiations with the second channel?

19 A No.

20 Q You are aware of something known as the seven-
21 point proposal in connection with the second channel?

22 A I've heard it referred to as seven, nine and
23 11, so I'm aware of that.

24 Q Well, I have heard about a seven-point
25 proposal and a nine-point agreement, so we're probably

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1 talking about the same things. Have you ever seen
2 either? Have you seen a seven-point proposal or a nine-
3 point agreement or anything like that?

4 A I don't recall seeing anything written down.
5 I recall conversations with Ollie in which he tried to
6 describe a sequence of events which I've subsequently
7 come to know is probably the seven or nine or whatever-
8 point plan it is.

9 Q Did you have any conversations with anyone in
10 the CIA about the seven-point or the nine-point?

11 A Yes.

12 Q Tell me with whom and about what and when.

13 A It was subsequent to all of the revelations
14 about this.

15 Q So it's after November 25, after the Attorney
16 General's press conference?

17 A Yeah, well after that. And I'm fairly certain
18 -- Ollie had clearly left. I'm fairly certain that Bob
19 had left the NSC, and so it probably was in January and
20 people were trying to figure out, you know, what this was
21 all about and asked if I knew anything about it. I
22 didn't know it specifically, so I called [REDACTED] to
23 ask what he knew about it, wrote it down, and then gave
24 it to Dennis Ross.

25 Q Okay. And is that the sum total?

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1 A I think so. I gave it to Ross and we talked
2 about it. I think that's it.

3 Q Any further involvement after that with the
4 second channel?

5 A Involvement with the second channel?

6 Q Yes -- negotiations?

7 A Only to the fact that when the State
8 Department sent an ambassador with George Cave to meet
9 with --

10 Q That was Ambassador Dunbar?

11 A Dunbar. His reference paper, talking points,
12 that he was supposed to take with him -- I'm trying to
13 think how I got aware of that and involved with it. I
14 can't remember specifically, but there was some
15 disagreement between CIA and State Department over how
16 they wanted to handle the talking points and what should
17 be said.

18 I was involved with the conversation with Al
19 Keel, and I think Dennis Ross was involved in that
20 business, too. I'm fairly certain he was. And then
21 there was some changes made to those talking points to
22 accommodate CIA and State Department.

23 Q Coy Exhibit 1 is a one-page document that has
24 just been marked and bears our Bates stamp N-9538.

25 (The document referred to was

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1 marked Coy Exhibit Number 1
2 for identification.)

3 Did you write that document?

4 A It looks like my writing.

5 Q Could you tell us what it is?

6 A I think I know what it is. I think it's the
7 computer programs that you set up in the message traffic
8 in order to have messages sent over to certain files.

9 Q You'll have to do that again.

10 A Let's try it one more time. There are, as the
11 cable traffic comes in, the computer can scan the
12 messages for key words, and so you can generate your own
13 message log or message file of cable traffic that comes
14 in based on key words.

15 Q A computer file?

16 A Yeah. So you type in some commands like this
17 and then you run it and the messages come into your file.
18 And this was to try to help me understand how to run the
19 computer.

20 Q So you could do it at the terminal on your
21 desk?

22 A Yeah.

23 MR. MC GRATH: Do you remember when you wrote
24 this?

25 THE WITNESS: It would have been in the summer

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31

1 sometime.

2 BY MR. BELNICK: (Resuming)

3 Q Summer of?

4 A '86. That's what I'm guessing.

5 Q Okay. And who gave you these instructions?
6 Do you recall?

7 A One of the computer wizards in the computer
8 room.

9 Q Do you have any computer expertise yourself?

10 A A little bit. I can play with them some. If
11 somebody teaches me, I can walk through it.

12 Q I was going to ask you to come in and fix
13 mine.

14 Let's mark this as Coy Exhibit 2. Coy Exhibit
15 2 are two PROF notes, the top one from Earl², apparently,
16 to Commander Coy, dated October 6, 1986, and then there's
17 another one at the bottom.

18 (The document referred to was
19 marked Coy Exhibit Number 2
20 for identification.)

21 Would you take a look at those notes?

22 A Um-hum.

23 (Pause.)

24 Q Do you recall seeing these notes around the
25 time of the Hasenfus shutdown?

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32

1 A Yes.

2 Q Did you know what Democracy, Inc. was at that
3 time?

4 A I knew -- I had an essence of what it was.

5 Q What did you think it was?

6 A It was the code name or the jargon Ollie used
7 to describe the activities for the contras.

8 Q The activities involving who?

9 A Well, I'm not sure at this time whether I knew
10 specifically or not, but I probably did, that it was
11 Second.

12 Q And what activities?

13 A The airlift, providing military supplies.

14 Q And for how long had you know that that was
15 going on?

16 A I'm not sure exactly, but having come in in
17 March or so and kind of just picking up bits and pieces
18 and reading newspapers and hearing things going on in the
19 office, I would guess in the summer sometime.

20 Q Were you formally briefed into that matter by
21 anyone?

22 A No.

23 Q Did you learn it again just sort of
24 fortuitously?

25 A Just kind of picking bits and pieces up.

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33

1 Q And what did you understand North's role to be
2 in connection with this military airlift?

3 A Well, it was never really clear to me exactly
4 what his role was. I knew that was his account on the
5 NSC and that was something he was supposed to be doing
6 and supposed to be following. I never saw him or
7 attended any meetings where he gave any direct orders,
8 but I saw a number of people come into the office and he
9 would talk of his involvement with this, his attempt at
10 running a war from his desk, and that type of thing.

11 But I discounted a lot of that. There's only
12 so many hours in the day and there were other things
13 going on. I just thought it was kind of bragging, if you
14 will, or boasting of doing more than he really was doing,
15 but that he was involved in it certainly.

16 Q So that when the Hasenfus plane went down you
17 knew that that was a flight that North had been involved
18 with in some way?

19 A I didn't know initially.

20 Q Well, it went down on the 5th, and this note
21 is dated the 6th.

22 A Yeah. But I didn't know how many different
23 airlifts there were and I didn't know if Secord or
24 Singlaub -- you know, it could have been somebody else.
25 I didn't know exactly who it was and when it was.

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34

1 Subsequently I found out that it was Southern Air
2 Transport and Secord and Hasenfus worked for them.

3 Q Let me just understand what you understood
4 when you got a note on October 6 that said "yesterday one
5 of the Democracy, Inc. aircraft apparently went down."
6 At least you took that to be a reference to a mission in
7 which North was involved in some way?

8 A Yes.

9 Q Now discounting for the exaggeration that you
10 say you believe North engaged in, you have told us that
11 you knew he had some involvement with this military
12 airlift going back several months, correct, to the
13 contras?

14 A Yes.

15 Q Did you ever ask North whether he had received
16 any legal advice on the propriety of that involvement in
17 light of the Boland Amendment?

18 A I had asked him -- I don't recall any specific
19 conversation prior to that other than I was always under
20 the assumption that it was legal.

21 Q What did you base that assumption on?

22 A Just the fact that he was doing it. I mean,
23 and that Poindexter was aware of it.

24 Q How do you know Poindexter was aware of it?

25 A Well, because Ollie had a private line to him

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35

1 on his PROFs note.

2 Q A private blank check?

3 A Yes.

4 Q Did you know that at the time?

5 A Yes.

6 Q Who told you about that?

7 A Ollie did.

8 Q Did you have a private line to Poindexter?

9 A No.

10 Q Did Earle?

11 A No.

12 Q Earle said he set one up called Test.

13 A Test was set up -- he set that up because

14 Poindexter had sent everybody a note testing his

15 equipment or something like that, so if you got a note

16 from Poindexter, you could reply to it directly. But,

17 see, if you look on this --

18 Q Exhibit 2?

19 A If you look on Exhibit 2, see, it's a reply to

20 a note of August 24, '86. If Earle hadn't received this

21 note, he could not have sent anything back directly to

22 Poindexter.

23 Q I see. You didn't have a channel like that?

24 A I used one during the Jacobson release.

25 Poindexter had sent me a note in which he said Admiral

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36

1 Holloway -- I can't remember exactly, but it was Admiral
2 Holloway, so I just replied to that because if you didn't
3 reply to that directly it would go through a filter of
4 McDaniel and in a sense you wanted to get it straight out
5 to him. He was in California and you couldn't afford to
6 wait for it to be cleared by somebody.

7 Q You used the direct channel. And that was the
8 only time you had used the channel like that?

9 A That's correct.

10 Q Let's go back to the question. You say you
11 assumed it was legal because Poindexter was aware of
12 North's involvement with the military assistance to the
13 contras, right?

14 A Yes.

15 Q And when I interjected I think you were going
16 to tell us, but that there was a time --

17 A Ollie, when he was on one of his trips -- I'm
18 pretty certain it was in October -- kept getting a call
19 from a guy named Halevy, who is a reporter for Time
20 magazine, and he kept asking where Ollie was and I
21 wouldn't tell him and I didn't know when he was coming
22 back. So he finally left a message saying that if Ollie
23 needed a good lawyer he would help him find one.

24 So I just PROFed Ollie a note on that rather
25 than calling on it, assuming that he would not need that

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37

1 information right away.

2 Q This was when, around October '86?

3 A I think so. And then I asked him when he came
4 back if it was legal. He said yeah, it was legal and he
5 wasn't concerned.

6 Q Did Ollie tell you on what he based his
7 confidence that what he was doing with the contras was
8 legal?

9 A Not specifically, other than the fact that it
10 was legal.

11 Q Let me show you Coy Exhibit 3, which is a PROF
12 message apparently from you, Commander Coy, to North
13 dated September 18, 1986.

14 (The document referred to was
15 marked Coy Exhibit Number 3
16 for identification.)

17 Did you write that?

18 A I don't know. It looks like it.

19 Q It's about Charlie Allen. "Charlie called to
20 say he was on the way over to talk to the lawyers re the
21 [REDACTED] et cetera. What [REDACTED]

22 A I don't recall writing this one specifically,
23 but reading it and [REDACTED] that would refer to is
24 that they wanted [REDACTED]

25 [REDACTED] when he came to town and they wanted to [REDACTED]

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38

1 [REDACTED]
2 Q Okay, fine. Just a few more things will wrap
3 it up.

4 Would you mark this as the next exhibit, Coy
5 Exhibit 4. This is a group of PROF messages on page N-
6 17676.

7 (The document referred to was
8 marked Coy Exhibit Number 4
9 for identification.)

10 I am interested specifically, Craig, you will
11 see in the second message from you, dated October 30,
12 '86, Subject: Help. It says "Kagan called to say the
13 transaction you" -- and that's speaking to North -- "were"
14 to arrange is desperately needed by the people who need
15 the help." Do you see that message?

16 A Yes.

17 Q Do you recall what that was about?

18 A Yes.

19 Q Okay. Could you tell us?

20 A Again, on one of the trips, if not the same
21 trip --

22 Q To Central America?

23 A No. He was in Europe. This guy Bob Kagan,
24 who works over at the State Department, kept calling,
25 wouldn't leave a message. Finally, you know, he said

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39

1 tell Ollie that if -- that the office needed the \$25,000
2 and they need it right away. So I PROFed this note to
3 him. That was the first time I had heard anything about
4 any money or that kind of thing.

5 When I told Ollie about it, he was upset that
6 Kagan had told me that because it was none of my
7 business, and I think he called Kagan and told him that.

8 Q Did Ollie tell you what the \$25,000 payment
9 was all about?

10 A No.

11 Q Have you found out?

12 A No.

13 Q Did you hear Ollie at any time talk about
14 someone known as [REDACTED]?

15 A [REDACTED] I don't recall that name.

16 Q So you were simply conveying a message that to
17 this day frankly you don't know the details of or
18 anything about?

19 A Other than what I just said, that Kagan said
20 the office needs \$25,000 and Ollie had to do it, had to
21 get the money to them or something.

22 Q Do you know to what office Kagan was
23 referring?

24 A I can't recall if he told me specifically, but
25 my assumption was some contra office or Nicaraguan contra

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40

1 office.

2 MR. BELNICK: Off the record.

3 (A discussion was held off the record.)

4 BY MR. BELNICK: (Resuming)

5 Q Coy Exhibit 5 is a group of --

6 A Well, this is the beginning.

7 Q It's a group of handwritten notes numbered N-
8 9470 through N-9373.

9 (The document referred to was
10 marked Coy Exhibit Number 5
11 for identification.)

12 Commander Coy has just pointed out that the
13 true first page of this exhibit should be N-9471. In any
14 event, are these your handwritten notes?

15 A Yes.

16 Q And could you tell us when you wrote them and
17 what they are about?

18 A Well, it looks like I wrote them on the 18th
19 of November at 1:30 and what this is a summary of Ron
20 Sable had been over to CIA and met with Congressional
21 staffers and people over at CIA during the preparation of
22 the chronology, and these were questions that came out of
23 that meeting, and Ollie had asked me to take notes while
24 Ron was there because he was sitting at his desk and I
25 was just at the table, so I took notes and left them for

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41

1 Ollie, so that these questions would be answered and
2 cleared in the chronology.

3 Q Two more and then I'm done. First this one,
4 Coy Exhibit 6, is a two-page document, our numbers N-8868
5 through 69.

6 (The document referred to was
7 marked Coy Exhibit Number 6
8 for identification.)

9 I'm handing it to the witness. Craig, do you
10 remember this document. And, if you do, tell us what it
11 is.

12 A Well, the subject is 1986 chronology of CIA
13 involvement in NSC something.

14 Q Is that a chronology you received from the
15 CIA?

16 A Apparently so.

17 Q Was this while you were working on preparing
18 the NSC Iran chronology?

19 A Yeah, I guess so. I think [REDACTED] -- I'm
20 not sure. I'm not sure who he is. Is he a lawyer? I
21 had spoken to a lawyer out at NSC on this chronology who
22 had said that there were some discrepancies between the
23 CIA chronology and North's chronology, and wanted to send
24 down what the CIA was using. So I said fine, send it
25 down. And so it's delivered by Washfax.

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42

1 MR. LEON: Do you mean a lawyer out at CIA you
2 were talking to? You just said a lawyer at NSC.

3 THE WITNESS: Oh, at CIA.

4 MR. MC GRATH: Do you have a firm date on this
5 cover?

6 MR. BELNICK: That's the best we have.

7 BY MR. BELNICK: (Resuming)

8 Q What did you do with this chronology?

9 A I'm sure I gave it to Ollie.

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Q Do you recall any conversations with North, Craig, in which he told you that it had been decided -- and this would have been probably conversations in November -- it had been decided that he would be the scapegoat for what had gone wrong with the Iran initiative?

A No, I don't recall anything, him saying that he would be the scapegoat. The only thing I recall is that at some point during the preparation of the

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44

1 chronology and prior to the Justice Department
2 investigation he called Bob and I in and said you guys
3 need to work on what else is going on in the office.
4 Poindexter wants Ollie, or him, to be the man in charge
5 of the Iran thing and you guys stay out of it.

6 Q Did you ever receive instructions from anybody
7 to shade the facts in the chronology in any way?

8 A No.

9 Q Did you ever hear that something like that was
10 going on?

11 A No.

12 Q When is the last time you spoke to North?

13 A November sometime.

14 Q Shortly after he left the NSC?

15 A Yeah. I ran into him at a stoplight in our
16 cars. The cars pulled up, as luck would have it,
17 together. I hollered through the window.

18 MR. BELNICK: I have no further questions.
19 Thank you for coming down, and I'm sorry we were delayed
20 in starting. Rich?

21 EXAMINATION ON BEHALF OF THE HOUSE COMMITTEE

22 BY MR. LEON:

23 Q I have some questions. It is probably easiest
24 to go in chronology and go over some of the things Mark's
25 been going over with you.

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45

1 Let's start with the events around about the
2 21st.

3 A That's Friday?

4 Q I have a copy of Ollie's calendar you can look
5 at if it might help refresh your recollection. He met
6 with Michael Ledeen that morning at Ledeen's house. Did
7 he tell you about that meeting?

8 A No.

9 Q Were you aware he'd been over there at all?

10 A No.

11 Q He also had a meeting at 1:30 that day,
12 according to his calendar, with Admiral Poindexter. Were
13 you at that meeting?

14 A No.

15 Q Did you know he had a meeting?

16 A I probably did. I mean, that he was going
17 over there.

18 Q But no specific recollection of it?

19 A No.

20 Q Or him telling you about it afterwards, what
21 had happened at the meeting?

22 A On Friday?

23 Q Yeah.

24 A No, I don't recall anything.

25 Q According to his calendar, Ledeen stopped in

UNCLASSIFIED

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46

1 later that day at his office about 3:30 in the afternoon.
2 Do you have any recollection of Ledeen visiting that
3 afternoon on Friday?

4 A No, I don't. I don't recall that.

5 Q Do you know a fellow named Tom Green?

6 A Yes.

7 Q Who's a lawyer in town?

8 A Yes.

9 Q He visited Ollie, according to his schedule,
10 at 5:30 that evening. Do you remember Green stopping in?

11 A I don't know if I remember him coming in that
12 day, but I remember him coming in the subsequent week or
13 some other time in which Ollie introduced him as his
14 lawyer. It could have been that time.

15 Q I wanted to ask you about that. That was in
16 the summer, in July. There was a period in July of '86,
17 I believe, where Ollie had lunch with Leonard Garment on
18 one occasion and Tom Green a week or two later. Do you
19 remember that? Do you remember those incidences?

20 A No.

21 Q The instance when you were introduced to
22 Green, what did Ollie say about his^M besides the fact that
23 he was his lawyer?

24 MR. MC GRATH: When do you recall being
25 introduced to Green?

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47

1 THE WITNESS: November, I think.

2 BY MR. LEON: (Resuming)

3 Q November?

4 A I think so. That's my recollection of it.

5 Q So you don't have any recollection of meeting
6 Green in the summer of '86 at the office?

7 A I don't think so.

8 Q What can you recall about what Ollie said
9 about Green on the occasion when you did meet him?

10 A Well, the only thing I recall is that that was
11 after the Justice Department investigation and he had
12 come in with Green.

13 Q On Sunday?

14 A No. Green wasn't with him on Sunday. It
15 would have been Monday or Tuesday of the following week,
16 and said that he was his lawyer and Green kind of stayed
17 in tight formation with him anywhere that Ollie went.
18 They went to his office and closed the door.

19 Q Was this before or after his office was sealed
20 off, if you can recall?

21 A I think it was before.

22 Q Did you at any time go in the office when they
23 were in there together?

24 A No. Just when they came in I might have stuck
25 my head in and said hello and then closed the door.

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48

1 Q Do you recall seeing them reviewing papers
2 together in the office?

3 A No.

4 Q Now on the day before the 21st, on Thursday
5 the 20th, there was a meeting over in the White House
6 that Ollie attended -- Attorney General Meese, John
7 Cooper, the DCI, Mr. Casey, George Cave, and Admiral
8 Poindexter. Were you at that meeting?

9 A No.

10 Q Did Ollie tell you after the meeting what had
11 happened there?

12 A If he said anything about it, I don't have any
13 recollection of it.

14 Q Did he mention to you that the purpose of the
15 meeting was to review Mr. Casey's testimony for the next
16 day, the 21st, in preparation of his appearing before the
17 Committees?

18 A I knew they were meeting on that subject at
19 various times, so I don't have any recollection of that
20 specific meeting, but I knew that all this work on the
21 chronology was being done to prepare for testimonies.

22 Q Okay. Did Ollie ever indicate to you before
23 that meeting or after that meeting why it was the
24 Attorney General himself was being asked to attend a
25 meeting to review the upcoming testimony of Director

UNCLASSIFIED

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49

1 Casey?

2 A No.

3 Q Does it strike you as odd?

4 A No, not really, because he's the Attorney
5 General, and if there is any legal question about it --

6 Q Well, let me put it to you this way. On
7 reflection, does it strike you odd that Peter Wallison or
8 one of his representatives wasn't present at that
9 meeting, the White House Counsel's office was not
10 represented and yet the Attorney General was?

11 A I didn't know they weren't at the meeting.

12 Q Well, I'm telling you they weren't. So accept
13 that for the sake of discussion.

14 A Not really. I mean, I don't have any thought
15 on it one way or the other.

16 Q Were you aware from talking with Ollie or Bob
17 Earl or the Admiral or from any other source that Admiral
18 Poindexter had some reluctance to rely upon or use Mr.
19 Wallison and his office for legal advice? Did you ever
20 hear discussion along those lines?

21 A No. I've seen it subsequently, and I think
22 there was something in there -- maybe it was in the Tower
23 Commission or some report of that subsequently, but I
24 didn't have any firsthand conversation or knowledge of
25 that.

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50

1 Q You don't recall that being the subject of
2 discussion around the office or Ollie bringing it up or
3 anything like that?

4 A I don't recall any specific conversation like
5 that. There was always the reluctance to talk about
6 anything outside of the NSC for fear of leaks or by what
7 was called derisively the "mice" around Don Regan people
8 assumed were leaking things all over the place. So there
9 was that concern in general, but I don't recall anything
10 specific about Wallison.

11 Q Do you think Ollie regarded Wallison and his
12 people as being aligned with Donald Regan?

13 A I don't know what Ollie thought on that.

14 Q He never commented on it?

15 A He never commented on it.

16 Q I think you just commented a while ago about
17 Ollie making some remark about running a war from his
18 desk.

19 A Yeah.

20 Q What was the context of that again? Was he
21 saying it jokingly?

22 A I don't recall. It was kind of in -- I recall
23 it as a time of being tired and saying this is
24 ridiculous, you know, trying to run this war from my
25 desk.

UNCLASSIFIED

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1 Q Kind of a flippant comment?

2 A Yeah. We've got a whole Pentagon for running
3 wars and the idea of having a guy run a war from a desk
4 seemed implausible to me, but that was the comment he
5 made.

6 Q Had you seen anything to indicate prior to
7 that comment being made that he actually was directing
8 any type of war type activities in terms of troop
9 movements or anything that would be the kinds of
10 decisions as part of running a war? Had you seen
11 anything to indicate that?

12 A I didn't see anything going out of the office
13 from Ollie. I would see cable traffic and the KL-43
14 traffic which would come in with information about an air
15 drop being here, a cancelled air drop or something along
16 those lines, but I didn't see any operational orders.

17 Q Or any requests for decisions on strategic
18 movements or anything like that?

19 A I don't recall anything like that.

20 Q Now did Bob Earl ever tell you on the 21st or
21 any time afterwards that Ollie had requested him to bring
22 to Ollie a set of documents that he had been working on
23 relating to the Iran initiative?

24 A I don't understand.

25 Q On Friday, the 21st, did Earl ever comment to

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1 you on Friday the 21st or any time that Ollie had asked
2 him, Earl, to bring Ollie a set of documents that he had
3 in his possession relating to the Iran initiative?

4 A I don't recall that day or that time frame,
5 but at the beginning, the first of November, Ollie had
6 asked Bob to see if he could start putting together some
7 chronology of things on this Iran thing, so Bob had some
8 documents he was trying to go through and put these
9 things together. Bob was having a hard time because he
10 didn't know what was going on in the thing, so it kind of
11 just -- I think he eventually said he couldn't do it and
12 turned it over to Ollie.

13 But Ollie specifically asking on that day? I
14 don't recall anything. It wouldn't have been unusual,
15 though.

16 Q Well, let's put it in a more unusual sense.
17 Did Bob Earl ever tell you that Ollie asked him to give
18 him documents so that Ollie could destroy them?

19 A No.

20 Q For the purpose of protecting a compartment or
21 for any other purpose?

22 A No. I never heard that.

23 Q If you'd heard that, would that have set off a
24 red bell or some kind of warning sign to you?

25 A Yeah, I think it would.

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1 Q What would be the concern that would have gone
2 off in your head if you had heard that from Earle or
3 someone else?

4 A Well, that sounds like -- it's like a
5 Watergate kind of thing and destroying documents and some
6 attempt at a coverup. So that would have sent red flags
7 to me on that type of thing.

8 Q And you never heard that Earle had done that or
9 Earle never told you that?

10 A No.

11 Q Did you ever type a PROF note into the system
12 on behalf of anyone else using their name as the person
13 it was being sent from?

14 A I don't think so.

15 Q Did Ollie ever say to you type up a PROF note
16 to somebody from me and send it off?

17 A No.

18 Q Do you know of anyone else having done that
19 for somebody else? Did you ever ask someone to do it for
20 you?

21 A No.

22 Q Are you aware of Bob Earle ever doing it for
23 Ollie or anyone else?

24 A No.

25 Q Was there any kind of rule against doing

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UNCLASSIFIED

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1 something like that?

2 A No. It just sounds to me like forgery. You
3 use your own system and there was a password to get into
4 it, so unless the machine was left on and open, you
5 couldn't do that.

6 Q I'm not suggesting forgery. I'm just
7 suggesting a situation, because I've never worked over
8 there. Are there situations where someone would call and
9 say would you send somebody a PROF note for me. I just
10 can't get to my machine. I don't know if that's the kind
11 of thing that happens or doesn't happen. I was just
12 wondering if that's the kind of thing that goes on.

13 A If that had happened, I think I would have
14 used my own machine with my own name. I don't recall. I
15 don't have any recollection. I don't think I've ever
16 done that or had anybody do that.

17 Q When Kagan told you the story about the money,
18 Exhibit 4, the \$25,000 to be sent down, what was your
19 reaction to that?

20 A I was surprised.

21 Q Were you concerned that there might be a
22 question of legality surrounding it?

23 A Yeah.

24 Q Did you share that concern with Ollie?

25 Q No, I didn't share it directly with him. I

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UNCLASSIFIED

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1 just passed on the message to him, and I frankly wanted
2 away from it. I just didn't want to -- it was something
3 he was dealing in and I was just passing the message.

4 Q He obviously expressed that he was concerned
5 or upset that you had been told about that.

6 A That's right.

7 Q ~~Now that was~~ October 30, I believe, was the
8 date on the PROF note.

9 A Okay.

10 Q Would that have been at a point in time before
11 or after you had asked Ollie on at least one occasion is
12 what you're doing legal?

13 A I'm pretty sure it would have been after.

14 Q Okay. So here's my question to you. In light
15 of having had a prior concern as to the legality of
16 Ollie's conduct and now having seen an event that by your
17 own admission was surprising and maybe questionable, did
18 it occur to you at that point that maybe you had to
19 besides going to Ollie go to someone else above him to
20 see if there was a problem here?

21 Did you consider that?

22 A Well, I've got to confess I did not consider
23 that. On reflection, you know, over the past months of
24 wondering if I should have done something different or
25 could have done something different, I have thought about

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1 what I would have done or what I should have done
2 differently, and the only thing I can think of is I would
3 have gone to Poindexter or to Thompson, who was the
4 General Counsel.

5 And I guess my assumption at the time,
6 although I didn't reflect on it directly at that point,
7 was that they were aware of all this stuff going on
8 anyway, number one, and, number two, I really wasn't
9 supposed to know about it anyway, so I just didn't do
10 anything.

11 Q Well, let me ask you this. You are a military
12 person. You've been a career military. What is the
13 military protocol? What is the military guideline in a
14 situation where the person that you answer to might be
15 doing something that you have reason to think is
16 questionable legally and you have no reason to think that
17 person is going to address it and yet you feel there is a
18 need for it to be questioned? What does it call for in
19 the military that you do in a situation like that?

20 A You go up the chain of command.

21 Q So who would have been the next step over
22 Ollie for you in your chain?

23 A Well, in this particular case, with the
24 compartmentation that was going on, it would have been
25 Poindexter.

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1 Q Were you aware of any situations where anybody
2 had ever done that, had gone to the Admiral on a matter
3 regarding Ollie, had gone over him to question something
4 Ollie was doing? Had you ever heard of a situation like
5 that?

6 A No.

7 Q You'd never done that?

8 A No.

9 Q Do you know if Earl had ever done it?

10 A Not that I'm aware of.

11 Q On the 24th, Monday the 24th, according to
12 Ollie's calendar, there was a RIG meeting or IG/N
13 meeting. Elliott Abrams and Walker [REDACTED] were
14 there, a bunch of other people, Ollie and Sanchez. Did
15 you happen to attend that meeting?

16 A No.

17 Q Did you hear any discussions about what
18 happened at the meeting afterwards from Ollie or anybody
19 else?

20 A I don't recall the meeting. You say it's on
21 the calendar. I don't have any reason to doubt it, but I
22 don't have any recollection of anything about that --
23 Central America.

24 Q Nicaragua?

25 A Nicaragua. That was out of my thing, so I

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1 would not have been backbriefed on that at all.

2 Q Now in the conversation that Mark asked you
3 about right at the outset or near the outset of this
4 deposition you testified, I believe it was, that you got
5 there late. It had already started, the conversation
6 between Ollie --

7 A You are talking about at the top of the
8 landing?

9 Q Right, the one on the 25th. Well, it could be
10 the 26th -- either the 25th or the 26th, depending upon
11 when it was. Let me stop there a second. If it was the
12 26th --

13 A That's Wednesday.

14 Q Right. Would that have been after Fawn had
15 told you about destroying documents?

16 (Pause.)

17 A I don't know if I can put it into any kind of
18 a sequence. It could have been. Let's see. I met with
19 the FBI on Saturday --

20 Q The 29th would have been the following
21 Saturday.

22 A I think that's the date I met with them for
23 the first time. Thursday was Thanksgiving. I think
24 Friday was a holiday. I don't know whether I came in on
25 that Friday. So yeah, I guess it probably would have

UNCLASSIFIED

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59

1 been on the Wednesday.

2 Q What would have been on Wednesday?

3 A She would have told me on Wednesday, I guess.
4 I don't know. But I'm trying to fit things together. I
5 guess that's when it would have been.

6 Q What I'm trying to do is help you in the
7 recollection putting things in sequence and find out if
8 you can recall whether the conversation at the head of
9 the stairs was before or after you had heard from Fawn
10 about her destroying some documents.

11 A I just can't --

12 Q You just don't remember?

13 A I just don't recall.

14 Q The reason why I ask is this. You just
15 testified a minute ago about, you know, bells going off
16 or could go off under certain circumstances, and I
17 believe you testified that when Fawn told you about
18 destroying documents on that occasion something went off
19 in your head and you said to her that wasn't too good an
20 idea. What I'm trying to help you recall is if your
21 conversation with Ollie at the head of the stairs was
22 after you talked to Fawn had you considered bringing up
23 to him, hey, wait a minute, Ollie, you know you have got
24 to be careful about the documents or things to that
25 effect?

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UNCLASSIFIED

60

1 A No. Because once the office was sealed and
2 Brenda Rieger was sitting in the office, nothing could
3 happen without her knowing about it.

4 Q No, no, I don't mean in that sense. I mean in
5 the sense that, hey, Ollie, you better talk to your
6 lawyer about that fact, that Fawn told me about it. I
7 mean, that could be serious in that kind of a sense, not
8 that he was going to do more of it, but in the sense that
9 hey, you know, that's something that's really
10 questionable -- as a friend.

11 A I guess my thinking was, you know, if in fact
12 that's what happened and Fawn told me it did happen, that
13 was really stupid, my telling Ollie at this point wasn't
14 going to help anything in any way and my intention was to
15 tell everything I knew anyway about this thing. So I
16 didn't want to prejudice anything that was going on in
17 the business.

18 So my thinking was not along those lines at
19 all.

20 (A discussion was held off the record.)

21 Q Did you comment to Bob after you had heard
22 that from Fawn what she had told you?

23 A I don't think I mentioned it to Bob.

24 Q Okay. When you joined the conversation at the
25 top of the stairwell, whatever day it was, from the point

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61

1 that you joined into the conversation to the point that
2 you left the conversation, did you leave it when it ended
3 or did you leave while it was still going on?

4 A It had ended. Ollie was walking down the
5 stairs to go out the door.

6 Q So from the point you joined the conversation
7 to the point it ended were you always proximate enough to
8 Ollie to hear what he was saying? Were you able to hear
9 what he was saying?

10 A Until he got down to the bottom of the landing
11 I think I probably was.

12 Q Were you always standing next to Bob Earl or
13 close to him?

14 A Probably the same distance between you and me,
15 five or six feet. Ollie was over there in front of us.

16 Q So how far was Ollie between you and him?

17 A Like across the table here, three, four, five
18 feet.

19 Q And there was no one standing between you and
20 Ollie?

21 A No.

22 Q And there was no loud noises in the
23 background?

24 A No.

25 MR. LEON: That's all I have.

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62

1 MR. BELNICK: Thanks very much. Thank you,
 2 Dean. Thank you, Craig.

3 (Whereupon, at 10:41 a.m., the taking of the
 4 instant deposition ceased.)

5

6

 Signature of the Witness

7

Subscribed and sworn to before me this _____ day of

8

_____, 1987.

9

10

 Notary Public

11

My Commission Expires: _____

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Committee Hearings
of the
U.S. HOUSE OF REPRESENTATIVES



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1a of 1

NAME: HIR072002

PAGE 1

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1 RPTS STEIN
2 DCMH DANIELS

3
4 DEPOSITION OF IAIN Y.R. CRAWFORD

5
6 Friday, March 13, 1987

7
8 House of Representatives,
9 Select Committee to Investigate
10 Covert Arms Transactions with
11 Iran,
12 Washington, D.C.

13
14
15 The select committee met, pursuant to call, at
16 11:00 a.m., in Room H-328, Cannon House Office Building.

17 PRESENT: Ken Ballen and David Addington, House
18 Select Committee to Investigate Covert Arms Transactions
19 with Iran; and Richard Parry, Senate Select Committee on to
20 Investigate Covert Arms Transactions with Iran.

21 ALSO PRESENT: E. Cooper Brown, 3935 Laurel Avenue,
22 Takoma Park, Maryland, 20912, on behalf of the witness.

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NAME: HIR072002

PAGE 2

23 . MR. BALLEM: Just for the record, we are all
24 identified, so I need not proceed with identification. You
25 have received a copy of the rules before we begin this
26 proceeding.

27 . You have also received copies of subpoenas from the
28 House Select Committee and have turned over certain
29 documents in compliance with those subpoenas. Is that
30 correct?

31 . MR. BROWN: That is correct.

32 . MR. BALLEM: I think it might be helpful just for
33 the record to briefly go through the documents that have
34 been provided for you in compliance with the subpoena.

35 . BY MR. BALLEM:

36 . Q Are there any documents that you have not supplied
37 pursuant to the subpoenas issued to you?

38 . A My accountant may have bank records or something
39 like this which could possibly have something in them. I
40 have gathered together what I have and tried to do 100
41 percent of it.

42 . Q If there are any documents that, either through
43 inadvertence or whatever, were not turned over, the subpoena
44 is a continuing obligation and, of course, you will provide
45 those to us.

46 . A Yes.

47 . Q Do you have an opening statement you wish to read

UNCLASSIFIED

NAME: HIR072002

PAGE 3

UNCLASSIFIED

48 | for the record?

49 | A Yes.

50 | Q Why don't you do that.

51 | A As I present myself to the committee, I would like
52 | to state for the record that during my employments, dealings
53 | and association with John Cupp and Richard Gadd, that I was
54 | given the impression and I believe that my involvement in
55 | procurement and also my services were in accordance with
56 | policies approved at the highest level of the United States
57 | Government.

58 | I have discussed with my counsel, and I fully
59 | understand my Fifth Amendment rights. I waive these rights
60 | at this time.

61 | I do this in order to cooperate fully with the
62 | investigation. I do this with the intent that a full
63 | disclosure of these events will provide an understanding of
64 | the mismanagement of the operation, that in my opinion was
65 | direct cause of an international incident and the loss of
66 | life associated with the downing of the C-123 in Southern
67 | Nicaragua on October 5, 1986.

68 | In the last few months, my disclosures of the
69 | events to the news media have, in my opinion, caused some
70 | personal persecution.

71 | I have talked to the media and this was all done to
72 | try to bring the events out.

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 4

73 . Through a conversation with a friend of mine who is
74 a crew member, [REDACTED] who had conversations with
75 John Cupp; [REDACTED] had called me after these conversations
76 and had relayed to me that John had said that if he had any
77 influence with me at all, that he should influence me to
78 stop talking to the media, to stay quiet for anything
79 concerning this investigation and that if I did not--if I did
80 not stay quiet, that either Justice Department probas would
81 be forced upon me or that they would arrange to have every
82 Government contract terminated from either myself or my
83 company.

84 . This, in fact, has happened and it has caused
85 financial hardship upon myself and my company and the loss
86 of a Fort Bragg \$16,000 contract.

87 . I believe that this is a direct result of my
88 exercising my Freedom of Speech rights and at this point I
89 would like to fully cooperata with the invastigation.

90 . BY MR. BALLEW:

91 . Q We all appreciate your cooperation and your
92 statement to us.

93 . A Thank you.

94 . Q I know that that speaks for all of us when I say
95 that we appreciate your cooperation.

96 . Let's just go through some of these documents that
97 you have turned over to us. You have turned over to us 2

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 5

98 computer sheets of various billing invoices; is that
99 correct?

100 . A That is correct.

101 . Q And within those computer sheets are also contained
102 a summary, a chronology of the events that you prepared
103 after the fact?

104 . A That is correct.

105 . MR. BALLEEN: Just for all counsel, if they want to
106 see these, I will just put them in the center.

107 . BY MR. BALLEEN:

108 . Q In general, without going through every individual
109 document, you have turned over to us business records of
110 FORCE, Inc.

111 . A That is correct.

112 . Q Could you describe please what FORCE, Inc. is?

113 . A It is a small textile manufacturing outlet that I
114 own 100 percent of. I started it. We have 2,000 square
115 feet and 32 sewing machines and produce luggage, backpacks,
116 and last year we produced some air delivery equipment.

117 . Q And in connection with that, you have turned over
118 documents relevant to the supply of air delivery equipment
119 to Richard Gadd's company; is that correct?

120 . A That is correct.

121 . Q You have also turned over certain calendars in
122 connection with those contracts, personal calendars kept by

UNCLASSIFIED

UNCLASSIFIED

NAME: MIRO72002

PAGE 6

123 you?

124 . A That is correct.

125 . Q And you turned over what looked like check stubs.

126 . Can you describe those check stubs, please?

127 . A When I received payment from Richard Gadd's

128 companies, a check would come and attached to the check was

129 a check stub explaining the breakdown of invoice billing.

130 . Q When you say 'Richard Gadd's companies,' for the

131 record, could you tell us which companies--

132 . A In my association with Richard Gadd, the company

133 that I thought I was dealing with most was the American

134 National Management Company. That was what was on the door.

135 That is the business card I was given; although normally I

136 was paid for supplies and equipment from East, Inc., and on

137 one occasion I received a check with Airmach at the top,

138 although I had never heard or seen anything to do with

139 Airmach before.

140 . Q Your business dealings were with Richard Gadd?

141 . A That is correct.

142 . Q In addition to those documents, you have turned

143 over to us a trip report for Iain starting April 2, 1986.

144 . What is this document, sir?

145 . A That was the actual draft of a trip report that I

146 sent John Cupp and Richard Gadd to basically tell them what

147 I had done while under their employment during the first and

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 7

148 also the second trip report for the second month that I
149 worked in Central America.

150 . Q And these trip reports were prepared at the time?

151 . A Yes.

152 . Q In addition, you turned over a W-2 that you had
153 received from Edward deGaray; is that correct?

154 . A Correct.

155 . Q It is also my understanding that you feel that the
156 full amount of compensation you received for your services
157 was not reflected on that document?

158 . A That is correct. I don't know whether that is
159 because Mr. deGaray paid me at one point and Dick Gadd's
160 company paid me at a different point, but I believe that in
161 combination--my direct boss was John Cupp and Richard Gadd.

162 . I believe that through my services to them that,
163 yes, I received more salary than what this reflected on Ed
164 deGaray's W-2.

165 . Q Just to complete the documents--

166 . MR. BROWN: One point of clarification. What is
167 Mr. deGaray's company that you dealt with?

168 . THE WITNESS: Corporate Air Services.

169 . BY MR. BILLEN:

170 . Q What was your understanding of why you were
171 receiving funds from them if, in fact, you were working for
172 Richard Gadd?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 8

173 . A My understanding--
174 . Q If any.
175 . A I was never told why. It appeared to me and to--in
176 conversations with other crew members, it was our opinion
177 that it was just a way of laundering money and not having it
178 traced back to Dick Gadd.
179 . Q Were you told anything specifically by Mr. Gadd or
180 anyone else other than in conversations with him, by various
181 crew members?
182 . A Nothing specific by Dick Gadd in relationship to Ed
183 deGaray, no.
184 . Q How did you receive payment?
185 . A Wire transfers to our bank.
186 . Q And that was the exclusive--let me rephrase the
187 question. Did you receive payment by any other fashion
188 other than wire transfer?
189 . A Not for services rendered, only for the equipment
190 that I sold.
191 . Q And that would be reflected on the check stubs that
192 you have submitted to us for the equipment?
193 . A Yes.
194 . Now, on my first month down there, I believe--I
195 can't find it anywhere in records--is that John Cupp either
196 wired me money from his bank for my first month services, so
197 I believe that Ed deGaray paid me for one month and that

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 9

198 East or American National Management paid me for another
199 month.
200 . I can't find the records. It should be in my bank
201 statements or something.
202 . Q You have turned over certain statements?
203 . A Yes, I have.
204 . Q And you have also turned over to make the review
205 complete code lists that you had drawn up while in Central
206 America?
207 . A Yes.
208 . Q And an identification card?
209 . A Correct.
210 . Q And a small document in Spanish?
211 . A Yes.
212 . Q That looks like some kind of a flight manifest.
213 . A Yes--a load list, yes.
214 . Q A load list?
215 . MR. BROWN: Could we go off the record for a
216 second?
217 . [Discussion off the record.]
218 . MR. BALLEEN: Back on the record.
219 . BY MR. BALLEEN:
220 . Q To clarify the payments from Mr. deGaray, did at
221 one point in time when you were in service in Central
222 America working for Mr. Gadd, did there come a time when you

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 10

223 called deGaray concerning payments?

224 . A Yes. I called him on two or three occasions in
225 reference to late payments.

226 . Q Why don't you tell us about that.

227 . A My basic contacts were John Cupp and Richard Gadd.
228 After talking to them for about a month or so and working
229 for them for a month, we were told not to call Richard Gadd,
230 he had enough busy stuff on his mind and if it had to do
231 with our pay, to call Ed deGaray.

232 . I called Ed deGaray and he informed me that he
233 hadn't been paid, the money hadn't hit his bank account, so,
234 therefore, he could not pay us.

235 . So I called John Cupp and Dick Gadd back and said,
236 "There is no sense in me calling Ed deGaray when you
237 haven't paid him to pay us."

238 . Q Who did you speak to, John Cupp or Dick Gadd?

239 . A Both.

240 . Q What was their response?

241 . A I was told to continue my contact with Ed deGaray
242 and they would have the money soon and that Ed would then
243 pay us immediately.

244 . Q After completing document review, let me just start
245 by asking you some preliminary questions.

246 . It is my understanding you served for a period of
247 time in the United States Armed Forces?

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 11

248 . A That is correct.

249 . Q Could you describe your period of service to us?

250 . A I entered the United States Army, signed my

251 enlistment contract in June of 1974. I enlisted for the

252 Special Forces Group as a parachute rigger. I was assigned

253 to the Special Forces Group, stayed there for approximately

254 8 years, which I was assigned to [REDACTED] stayed

255 there for 4 years, and was assigned back to the Fifth

256 Special Forces Group for approximately a year and a half, at

257 which point I was transferred and assigned to the 101st

258 Airborne Division at Fort Campbell, Kentucky, and in

259 September of 1985, I separated from the United States Army

260 under my own willingness and received a normal honorable

261 discharge.

262 . Q Now, your primary experience while in the United

263 States Army was as a parachute rigger?

264 . A Correct. That was my military occupational

265 specialty.

266 . Q And subsequent to leaving the United States Army,

267 you set up your own business in North Carolina, FORCE, Inc.,

268 which you referred to earlier?

269 . A That is correct.

270 . Q To continue with your special, in effect, your

271 trade that you had learned in the Army?

272 . That is an unclear question.

UNCLASSIFIED

NAME: HI072002

UNCLASSIFIED

PAGE 12

273 . A Yes.

274 . Q What was the business of FORCE, Inc.?

275 . A For years, I have been producing my own luggage and

276 making modifications to backpacks. I wouldn't say it was a

277 continuation of parachute rigs. I went into parachute rigs

278 because I was already into sewing.

279 . Q How did it come about that you had first contacted

280 John Cupp or Richard Gadd?

281 . A At a New Year's Party the 31st of December of 1985,

282 1 January 1986, I heard that somebody was looking for a

283 parachute rigger to hire. I heard this through my mother-in-

284 law.

285 . My mother-in-law acquired the telephone number for

286 me to call. She gave me that number, and the next day, on

287 January 1, I called the number; I believe it was in Alabama.

288 I don't know who I talked to.

289 . I gave the man an overview of my parachute-rigging

290 credentials and gave my name and telephone number and he

291 said he would have somebody call me back.

292 . Q Subsequent to that time, did you hear from someone?

293 . A The next day, John Cupp called me back and said,

294 "'Hello, is this the red-headed rigger I used to work

295 with?'"

296 . I didn't remember who John Cupp was, but in the

297 next 15 minutes, I remembered that I had prior association

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 13

298 with him in the Army.

299 Q What was the association?

300 A We were assigned to the same unit. [REDACTED]

301 [REDACTED]

302 Q What was that unit?

303 A [REDACTED]

304 [REDACTED]

305 Q More commonly known as [REDACTED]

306 A Yes.

307 He was a master sergeant in selection and training.

308 I was a buck sergeant and I acquired the rank of staff

309 sergeant over in the parachute rigger loft.

310 Q Could you explain to us who your mother-in-law is

311 and how she happened to come into contact with the name of

312 this person?

313 A My mother-in-law is Ellie Burton. She is a

314 naturalized German who is married to a retired military

315 person. They live in Fayetteville, North Carolina.

316 I don't remember whether or not it was her party--I

317 don't believe it was her party. She was at another

318 individual's house.

319 Q Let me just ask, you lived near a major Army base?

320 A Yes; Fort Bragg, North Carolina.

321 Q So you had a lot of contact with military people?

322 Is that correct?

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 14

323 . A Correct.

324 . Q So what your testimony is, if I understand it, is
325 that somehow through this network of people, and you are not
326 sure how the suggestion was made to you and you made the
327 phone call?

328 . A Correct.

329 . BY MR. PARRY:

330 . Q Now was it explained to you, the nature of this
331 venture, as a military operation or what did your mother-in-
332 law--what had she heard?

333 . A My mother-in-law only knew that somebody needed a
334 parachute rigger. I thought at that point somebody needed
335 something sawn, as somebody needed a parachute rigger,
336 assembly of a parachute container, something like this.

337 . In my conversation with John Cupp, that opinion had
338 changed. Over the telephone he had told me that they would
339 actually need a parachute rigger to work outside of the
340 United States. He would not tell me where, that it would
341 require flying at times, and actual delivery of cargo and
342 that he would explain more of this in my job interview June
343 6, 7 and 8.

344 . In my conversation with him on the phone, he said
345 he needed--that if I wanted, I would be brought to
346 Washington, D.C. for three days of employment at \$150 a day
347 and I would be briefed on the operation.

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 15

348 . Q Let me ask you about FORCE, Inc. That is sort of
349 an unusual name for a luggage company, but it would not be
350 unusual for a company that outfits military ventures. In
351 fact, I would think that you were looking for that type of
352 business with a company by that name.

353 . What percentage of your business was involved with
354 preparation of air delivery equipment as opposed to luggage
355 and backpacks?

356 . A FORCE, Inc., stands for Fayetteville Office for
357 Rescue and Combat Equipment. My company last year, about 50
358 percent of the income was associated with the contra airlift
359 program. The other percentage is a combination of luggage
360 for the golden flights, special assault gear [REDACTED]
361 [REDACTED] and custom orders.

362 . Q Thank you.

363 . BY MR. BALEM:

364 . Q After you--after the phone conversation with John
365 Cupp, did you agree to go up to Washington?

366 . A Yes, I did.

367 . Q And that was in the beginning of January of 1986?

368 . A Yes.

369 . Q What happened--where did you go? Where did he tell
370 you he was going to meet you?

371 . A I was asked to be at 422 Maple at 9:00 o'clock
372 January 26.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 16

373 . Q Where is that?

374 . A Vienna, Virginia, and he told me at that point that

375 I would see the American National Management Corporation, or

376 ANMC, written on the door.

377 . Q Did you go there?

378 . A Yes, I did.

379 . Q And what happened when you arrived?

380 . A I was greeted by John Cupp, signed in on the guest

381 book, went into his office, and we discussed that the job

382 employment--he said that basically we would be working as a

383 spinoff of project HOPE; that I would be asked to be a

384 parachute rigger-load master aboard aircraft, which would be

385 flying humanitarian missions supplying refugees in a newly

386 created DMZ. He would not tell me even the hemisphere or

387 location of the employment.

388 . Q After your conversation on this subject, what then

389 happened?

390 . A John informed me that for the next two days, they

391 would like me to go to Pennsylvania and take a deposit for

392 purchase of approximately \$70,000 worth of air delivery

393 equipment and that when I went to Pennsylvania, I should

394 carefully check out the credibility of the individual

395 purchasing equipment from--also to give him a call back and

396 tell him, yes, this person can deliver the equipment.

397 . At that point--

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 17

398 . Q When you say they, did you meet with anyone else
399 assigned from Cupp at this point?

400 . A At this point, no. We are still in John's office.
401 He goes through the Pennsylvania trip, I tell him I already
402 know the man in Pennsylvania, there is not much need to
403 check his credibility.

404 . Q Who was the man?

405 . A Joe Smith of Joe Smith Parachutes. I told him that
406 basically he would be a middle man in the deal and that
407 probably over the telephone we could handle the subject.

408 . He told me that we would go in and talk to Richard
409 Gadd and that he was the president of the company, John's
410 boss, and that John wanted me not to tell Dick Gadd anything
411 about me knowing Joe Smith or anything to change that plan,
412 that he wanted me to go ahead and follow Richard Gadd's
413 order in going to Pennsylvania and checking out this man's
414 credibility.

415 . Q Did you ask him why he wanted you to do that?

416 . A I didn't ask him. It was confusing in my mind that
417 John Cupp works for Richard Gadd and they had this secret
418 going on between them, but I felt that was possibly a power
419 play.

420 . Q Did you meet Richard Gadd?

421 . A Yes. I went through my basic qualifications as a
422 parachute rigger with him. He immediately skipped to the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 18

423 Pennsylvania trip and how they had been turned on to Joe
424 Smith's parachutes with Ed deGaray and that they were having
425 a few problems with Ed deGaray and he wanted to check Joe
426 Smith's credibility that the parachutes would be delivered
427 on time and good parachutes.

428 Q Did he tell you anything different about the
429 mission other than what John Cupp explained to you?

430 A No.

431 Q Did you leave then?

432 A Yes, I went to Shirleysburg, Pennsylvania.

433 MR. BROWN: What was the date of the meeting with
434 John Cupp?

435 THE WITNESS: 6 January 1986.

436 BY MR. BALLEW:

437 Q That occurred when you arrived in Pennsylvania?
438 Did you meet with Joe Smith?

439 A I met with Joe Smith and his first words were, "I
440 am glad to see you are coming aboard this operation. I am
441 in charge of riggers and if you would like, I can surely get
442 you a job."

443 I was confused because Richard Gadd had told me in
444 essence that I was the first parachute rigger aboard. I
445 thought being the first on board I would be in charge--I
446 basically questioned Joe Smith in reference to what he had
447 learned from Ed deGaray and I felt it was my duty and

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 19

448 loyalty to my employer to get this information and take it
449 back to John and Dick and tell them what Joe Smith was
450 saying and thinking through Ed deGaray.

451 Joe Smith had told me that he was going to go down
452 to New Orleans and fly either dummy test missions to begin
453 with or that they would pack supplies in New Orleans and
454 take them somewhere, that Joe Smith was being asked to find
455 pilots for Caribou, et cetera.

456 Q What was your conversation with Joe Smith?

457 A I left with a \$31,000--\$32,000 check, modified the
458 delivery schedule from 7 to 14 days, which was a more
459 realistic figure, and I returned to Washington, D.C. to tell
460 John Cupp and Dick Gadd that everything would be delivered.

461 Q The \$30,000 approximately check--who did you receive
462 that check from?

463 A From Dick Gadd.

464 Q And that was a check to be a deposit on the
465 equipment that Joe Smith was going to deliver?

466 A Correct.

467 Q After you returned to Washington, did you meet with
468 Dick Gadd and/or John Cupp?

469 A Yes, I did.

470 Q Could you tell us what the results of those
471 meetings were?

472 A I informed them that Joe Smith was looking for

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 20

473 pilots and that he seemed to be getting more information
474 than I was getting and through Ed deGaray.

475 I informed them that since they had bought \$70,000
476 worth of parachutes that they needed ancillary supplies to
477 facilitate packing and transportation of these things,
478 string, clevises, deployment bags.

479 I volunteered to stay in their office to call the
480 direct manufacturers of these items and have them shipped to
481 a location that they would tell me.

482 They said "No, you can't use our telephone to
483 order delivery equipment and from now on, if you call here,
484 we want you to call parachutes bed sheets or something. We
485 don't want plain text used on the telephone."

486 I was told if I went back to Fayetteville and
487 started procurement of the items that I would be paid
488 immediately for the items and reimbursed.

489 Q What happened after that?

490 A I went back to Fayetteville, assembled
491 approximately a \$10,000 list of other equipment needed for
492 the airdrop mission and in late January I was told that
493 there would be an aircraft flown down to my location to pick
494 that stuff up.

495 On the 29th of January 1986, I learned that the
496 next day, the 30th, I would be met by a C-7A Caribou at the
497 Southern Pines Airport.

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 21

498 Q Did that happen?

499 A Yes, it did. We drove a truck out there which had

500 20, 25 cardboard boxes and 10 or 15 camouflage kit bags full

501 of air equipment, slinks, clevises, deployment bags, static

502 lines.

503 We also had on the truck a Sears refrigerator that

504 John Cupp had bought the day before. We waited for the C-7A

505 to arrive, there were 3 Canadians aboard, two pilots and one

506 mechanic, and two Americans. [REDACTED]

507 Ed deGaray and [REDACTED] were aboard.

508 MR. BROWN: When you say "we met the airplane,"

509 who is we?

510 THE WITNESS: My employee, Mike.

511 BY MR. BALLENG:

512 Q The three Canadians, how did you know they were

513 Canadians? Did they identify themselves as such?

514 A The crew came in and they were talking to the base

515 operations people. They had kind of a French Canadian

516 accent and during their flight plan overhearing the

517 conversation, I learned that they had come down from Canada,

518 that they had stopped at Dulles Airport, that they had

519 picked up the two Americans and come directly to me.

520 Q Did you subsequently load the equipment that you

521 had procured on to the plane?

522 A Yes, I did, and I received a check from Ed deGaray

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 22

523 to cover the payment.

524 Q Who was the check from?

525 A East, Incorporated.

526 Q Subsequent to that time, did you receive further

527 instructions in February or later that day, in January--did

528 you receive further instructions from Richard Gadd?

529 A The following week I was told on the telephone by

530 John Cupp that the Caribou had developed engine trouble,

531 that they had to jettison almost the entire cargo and that

532 all of my cargo had been jettisoned, that we needed to

533 procure the same list again.

534 I did that during the month of February, and also

535 in conjunction with this list, I was asked to supply three

536 ~~million~~ ^{Medical ITRC} bags.

537 ^{ITRC} On February 11, [REDACTED] picked up three

538 ^{Medical} ~~million~~ bags from my shop and departed from what he told me

539 on a commercial airliner in route to Miami at which point he

540 was going to be met by somebody flying a small Maule

541 aircraft and that he would be flown to the area of

542 operation.

543 Q How do you know [REDACTED]? You said [REDACTED]

544 [REDACTED] came by. Did you know him previous to that time?

545 A I had been assigned [REDACTED] with [REDACTED] so

546 I knew him from years ago.

547 BY MR. PARRY:

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 23

548 . Q This load that you prepared, approximately how many
549 parachutes would this material service or what quantity of
550 goods could be dropped with the items that you had procured?

551 . A Including the 70,000 from Joe Smith?

552 . Q Yes.

553 . A I could figure that up for you, sir, but roughly, I
554 would say as a guess, I would say 75,000 pounds. I could
555 add that up for you.

556 . Q I just want to get an approximate idea.

557 . And they lost both the parachutes and the equipment
558 that you had procured or just your equipment?

559 . A Just my equipment. I had learned that Joe Smith
560 was buying the equipment from Ted Strong Enterprises in
561 Orlando, Florida. I know all the manufacturers.

562 . In learning this, I had contacted John Cupp and
563 said, "Hey, do you want this stuff to be shipped from
564 Florida to Pennsylvania for pick up or would it facilitate
565 your logistics to have it picked up in Florida?"

566 . I was told, "Yes, it would."

567 . I contacted Ted Strong, told him to hold the stuff
568 there, contacted Joe Smith and said, "Look, you are going
569 to get paid. Don't worry about seeing the equipment. We
570 will account for it."

571 . I contacted John Cupp again. He told me to tell
572 Ted Strong that we would have an aircraft--he called it a

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 24

573 frame--pick it up in Orlando.

574 . At that point, I lost contact with these people.

575 although I assume--I was told later on that it was a C-130

576 style aircraft. I assume it was a Southern Air 100 that

577 went to Orlando and picked up the parachutes from Ted

578 Strong.

579 . BY MR. BALLEW:

580 . Q Back to February of 1986, you delivered three

581 ~~Medical~~ ~~mission~~ bags to [REDACTED]

582 . A Yes.

583 . Q And subsequent to that time, did you prepare again

584 a similar load which you had done before?

585 . A Yes, I did. During the month of February, we

586 assembled the identical list.

587 . Q And what transpired with that?

588 . A I was told on February 27 by John Cupp that a--

589 . Q Let me just ask you a question. You have before

590 you a calendar; is that not correct?

591 . A Yes.

592 . Q What is the calendar you have before you?

593 . A It is a calendar that I had been keeping in a loose-

594 leaf notebook last year of events associated with this, and

595 some of the time the events were actually written down when

596 they happened, sometimes it was weeks later.

597 . Q Are you using a calendar now to refresh your

UNCLASSIFIED

UNCLASSIFIED

598 recollection?

599 . A Yes, I am. Am I not to do that?

600 . Q No. I want to make clear that when you are
601 referring to a date, you are using this calendar to refresh
602 your recollection as to an exact date.

603 . I am sorry for the interruption.

604 . A I received a phone call from John Cupp telling me
605 the next day there would be a L-100 aircraft flowⁿ to my
606 location. They told me it would fly to Southern Pines.

607 . I told him if he flew a L-100 to Southern Pines it
608 would be the biggest new story. It was a small air park,
609 not an airport.

610 . I suggested they fly to Mecklenburg-Laurinburg
611 Airport, which is a larger airport. He took my suggestion
612 and the next day 28 February 1986, I went and met a Southern
613 Air L-100, tail No. 251.

614 . I loaded aboard that aircraft approximately \$11,000
615 worth of air delivery equipment.

616 . Q You paid him for that equipment?

617 . A I was not paid that day.

618 . Q Did you receive payment in time for that equipment?

619 . A Yes, I did.

620 . Q Who did that payment come from?

621 . A From East, Incorporated, by mail. I observed
622 aboard that L-100 from helping load my cargo into the rear

UNCLASSIFIED

NAME: HIRO72002

UNCLASSIFIED

PAGE 26

623 of it that in my opinion it was a mobile field hospital.
624 I observed tents, two or three X-ray machines that
625 were crated, and in talking to Bonzo Von Haven, the pilot, I
626 learned that since they had stayed there overnight that they
627 had stored whole blood in a refrigeration unit provided by
628 the airport.

629 Q Subsequent to that date--

630 MR. BROWN: I would like to ask a couple more
631 questions.

632 MR. BALLEM: Sure.

633 MR. BROWN: At what airport were you loading the
634 Southern Air Transport?

635 THE WITNESS: Mecklenburg-Laurinburg Airport.

636 BY MR. BALLEM:

637 Q You stated that Bonzo Von Haven was the pilot. Did
638 you know or were you introduced to other crew members?

639 A I talked to them. I wasn't introduced.

640 Q Do you know who any of the other crew members are?

641 A Since I met the same crew three or four times after
642 this, yes, I now who they are.

643 Q Who are they?

644 A Bonzo Von Haven, a man named Sims, I don't know the
645 first name. J. J. Shugman was the flight engineer.

646 BY MR. BALLEM:

647 Q When did you meet these people again?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 27

648 . A On my first trip to Central America that again was
649 the crew flying the same aircraft.

650 . Q Subsequent to this February 28th, 1986, when was
651 the next time that you had contact with John Cupp and
652 Richard Gadd?

653 . A Through the month of March, I received several
654 phone calls and I also placed phone calls to John Cupp in
655 relationship to providing other services in procurement or
656 my services as a parachute rigger.

657 . I was told each time to keep my bags packed and
658 that as soon as they got the word that they would send me
659 to the area of operation.

660 . I also learned during this period of time that
661 [REDACTED] had already departed and was working for them
662 in the area of operation.

663 . Q Who did you learn that from?

664 . A [REDACTED] himself.

665 . Q Where did he say the area of operation was?

666 . A He told me that it was in Central America and later
667 he told me he was spending most of his time in [REDACTED]

668 . Q Did there come an occasion when, in fact, Gadd
669 and/or Cupp contacted you to go to the area of operation?

670 . A Yes. I was asked on April 1 to purchase my own
671 ticket and to fly to New Orleans and that I would be taken
672 from there to the area of operation. I told them that since

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 28

673 they hadn't paid for the supplies from the February shipment
674 that I would not leave country and that I wouldn't leave
675 country without a briefing from John himself.

676 . I was told to come to the office the next day. I
677 drove to Washington, D.C., and met with John Cupp, was paid
678 by him in check for the equipment that I had supplied. We
679 went into his office and he basically told me that I was
680 going to go to Central America, that we would be flying
681 aboard an aircraft providing rigger services on the ground
682 and flying on the aircraft as a load master, again that we
683 would be dropping humanitarian supplies to refugees and at
684 this point he told me, 'In dropping all this humanitarian
685 equipment, you may have sealed cardboard boxes. There is no
686 need for you to look inside boxes. We just want you to
687 provide your rigging services.'

688 . Q Let me ask you a question about payment of the
689 check. You said he handed you a check for the February
690 equipment when you saw him in April. Could you explain that
691 a little bit? Which February--you said you also received a
692 check in the mail.

693 . A Yes.

694 . Q If you could clarify that for us.

695 . A Some of the other checks were received by mail.
696 The first one was handed to me by Ed deGaray, the second
697 check I received from John by hand and probably the rest

UNCLASSIFIED

NAME: HIRO72002

UNCLASSIFIED

PAGE 29

698 were by mail.
699 . Q The second check being the check you received in
700 April?
701 . A Yes, because they were 30-some days late in payment
702 for that equipment.
703 . MR. BROWN: Was that check from East, Inc.?
704 . THE WITNESS: I believe so.
705 . BY MR. BALLEW:
706 . Q Let me just ask you this--you continued to provide
707 equipment to Cupp and Gadd throughout 1986; is that a
708 correct statement?
709 . A Until October. My last payment was the first of
710 October of 1986.
711 . Q We will go through the equipment again at a later
712 date.
713 . After your conversation with John Cupp in the
714 offices at 422 Maple, what occurred?
715 . A I was given a ticket to fly from National Airport
716 to New Orleans. I was told to be at General Aviation the
717 next morning at 7:45 and that I would meet Bonzo there and
718 that he would take me to [REDACTED] the area of
719 operations.
720 . I was also told that [REDACTED] would be
721 coming in that he would link up with me the next morning and
722 that he would also be aboard that flight.

UNCLASSIFIED

NAME: N1R072002

UNCLASSIFIED

PAGE 30

723 . Q Did you know [REDACTED]
724 . A Yes, I did.
725 . Q How did you know him?
726 . A We have never been assigned to the same unit, but
727 we were in the Special Forces Group together, but not in the
728 same company, and I know him as a friend.
729 . Q Did you see Mr. Gadd at that time or not?
730 . A I saw him there at the office.
731 . Q Did you have any conversations with him?
732 . A I don't remember.
733 . Q Did you subsequently fly to New Orleans?
734 . A Yes, I did.
735 . Q What happened after you got there? Who was paying
736 your expenses? Did you stay overnight in New Orleans?
737 . A Yes.
738 . Q Who paid your expenses?
739 . A The airline ticket was provided for by John Cupp
740 and I had to pay for the hotel room out of pocket, which was
741 to be reimbursed at a later date with receipts.
742 . MR. BROWN: Can we go off the record for a second,
743 please?
744 . MR. BALLEW: Sure.
745 . [Discussion off the record.]
746 . MR. BALLEW: Back on the record.
747 RPTS STEIN

UNCLASSIFIED

NAME: M1R072002

UNCLASSIFIED

PAGE 31

748 DCM DANIELS

749 BY MR. BALLEW:

750 Q Did you ever have any conversations with [REDACTED]
751 [REDACTED] concerning the financing of the operation he was
752 involved with in Central America?

753 A During January and February in talking to [REDACTED]
754 [REDACTED]

755 Q 1986--

756 A 1986--in trying to figure out, I guess, the
757 legitimacy of this operation and such, you know, we were
758 told it was a spinoff of Project HOPE, I said to [REDACTED]
759 [REDACTED] "How does something like this go on?" and both
760 [REDACTED] and John Cupp, in conversations on the telephone and
761 such, had told me that, "Well, you know, operations like
762 this have been going on for years, that they go on and they
763 are usually funded by a civilian, somebody like Ross Perot
764 and that they are overseen by some level of the United
765 States Government."

766 Q Did John Cupp or [REDACTED] indicate to you at
767 what level that was of the United States Government or did
768 you not inquire into that?

769 A I was very hesitant to ask a lot of questions about
770 this operation. It had a cloud of secrecy over it, it
771 seemed, and my conversations with them were shaped by them,
772 it seemed.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 32

773 . Q In other words, you didn't ask?
774 . A Right.
775 . Q Moving back to April, early April of 1986, I think
776 we left you in New Orleans. What happened after you spent
777 the night in New Orleans? I believe you testified you spent
778 the night there; is that correct?
779 . A Yes.
780 . Q What happened next?
781 . A [REDACTED] and I get in a cab and we go to
782 General Aviation--
783 . Q He was at the same hotel?
784 . A Yes.
785 . Q Was that by coincidence?
786 . A I met him at the airport. My airplane came in at
787 eight o'clock, his came in at ten. I placed a call to his
788 wife, found out it was a ten o'clock flight--
789 . Q Were you instructed to meet him?
790 . A I was instructed by John Cupp that even though
791 McCulley and I were friends, there was no reason to discuss
792 this. I violated that, found [REDACTED] and we shared
793 information for our mutual benefit.
794 . Q So you met [REDACTED] that night and what happened
795 after that?
796 . A We stayed a night at the hotel in rooms that were
797 near each other. We go to General Aviation the next morning

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 33

798 at 7:45, the crew is not there, but there is a Southern Air
799 L-100 aircraft parked there. We wait for half an hour, the
800 crew shows up and it is Bonzo, Sims, and J.J.
801 Q What Kind of an aircraft is an L-100?
802 A A four-engine prop aircraft resembling a C-130,
803 although it has been lengthened. This one was gray in color
804 with Southern Air markings.
805 Q Had you known about Southern Air before or you just
806 read the markings?
807 A In my meeting at Mecklenburg-Laurinburg, I had seen
808 the aircraft, and here again I see it.
809 Q You said you noticed the tail number. Did you
810 notice the tail number?
811 A Yes.
812 Q Was it the same plane?
813 A The same aircraft.
814 Q What happened next? Did you board the aircraft?
815 A We boarded the aircraft, got airborne and Bonzo Von
816 Haven told me we would be flying into [REDACTED]
817 and landing on the dirt strip.
818 We flew in and landed [REDACTED] I went in the
819 back and slept and observed a whole bunch of camouflage
820 Poncho liners, bags of canned goods.
821 The aircraft was packed and I could just barely get
822 a place to sleep.

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 34

823 Q After you arrived in [REDACTED] what occurred at
824 that point?

825 A We landed, I looked around [REDACTED], saw some tents
826 and shacks that were--the air base there--I thought to myself
827 that John Cupp could have prepared me a little better for
828 going [REDACTED]. He had told me in my meeting there was
829 no need for me to take camping gear, I would be living in a
830 hotel. [REDACTED] came out of the building and said,
831 "Take all your equipment off; you are staying here."

832 So I stayed [REDACTED]. That day, the L-100
833 unloaded the equipment aboard and it took off, I was told,
834 back to [REDACTED] to refuel and take off back
835 to Miami.

836 Q What happened at that point after you were greeted
837 [REDACTED] by Vernon Hughes? Where did you go?

838 A I was given a ^{bunk} bank at the headquarters building, a
839 small shack of 25 bunks in the bottom, a communications room
840 at the top, and a supply room on the end.

841 I was taken to a mess hall and given food and was
842 told that the next day I would start flying on the Caribou.

843 [REDACTED] had already been doing this.

844 Q Did you have any conversations at that time with
845 any of the other people there, the other crew? ~~etc~~

846 A I met [REDACTED] the pilot; [REDACTED] the co-
847 pilot, and there was a mechanic. We referred to him as

UNCLASSIFIED

NAME: HIR072002

PAGE 35

UNCLASSIFIED

848

849 Q Do you recall his real name?

850 A [REDACTED] I believe.

851 Q Did you go--I believe you testified you were going

852 to--your instructions from Cupp were to go [REDACTED] the

853 next day--I am sorry.

854 A At this meeting, I am under [REDACTED] direct

855 control and we are under [REDACTED] control. We go to

856 sleep that night, wake up the next day, we run three Caribou

857 flights to the [REDACTED] drop zone.

858 Q Where was this drop zone located? Do you know?

859 A The drop zone--I was told by [REDACTED] and [REDACTED]

860 [REDACTED] that [REDACTED] which was our drop zone was [REDACTED]

861

862 Q Do you know what was dropped in those three drops?

863 This would be what date again?

864 A This would be 4 April 1986, Friday. The majority

865 of that cargo was large fabric bags with beans and rice.

866 There was some mixture in these three trips of AK-47

867 ammunition that I remember.

868 Q When you say some mixture, how much AK-47

869 ammunition--what is AK-47's?

870 A AK-47 is a Soviet-made assault ^{rifle} ~~rifle~~, a 7.62 Soviet

871 cartridge.

872 Q Have you seen these weapons from your prior

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 36

873 experience in the military?

874 . A Yes, I have.

875 . Q Just for the record, how did you happen to observe

876 Soviet-made weapons while you were in the service?

877 . A In the service?

878 . Q Yes.

879 . A As a parachute rigger, I was attached [REDACTED]

880 [REDACTED] to go on military training missions. In

881 conjunction with this, I was cross trained in the majority

882 of the Soviet and world weapons. It is a cross training. I

883 have been to the range in Special Forces and shot AK-47's,

884 learned to take them apart, reassemble them, at cetera, and

885 also helped to teach other people to do this.

886 . Q This was all as part of your service [REDACTED]

887 [REDACTED] in the United States Army?

888 . A Yes.

889 . BY MR. PARRY:

890 . Q [REDACTED] your plane arrives from New Orleans

891 with supplies. Do the people there, the contras, are their

892 records kept of the supplies brought in? Are they taken off

893 the plane and is there a log kept or anything of what has

894 been delivered?

895 . A At that point, there seemed to me to be no

896 record keeping whatsoever. The aircraft opens up the

897 tailgate and the contras line up and just start pulling

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 37

898 stuff off and it is all put into a warehouse.

899 Q How much interaction was there between you or other
 900 Americans with the contras [REDACTED]

901 A A man named [REDACTED] was a supply sergeant who
 902 would give us information we need to go here or there today
 903 or tomorrow.

904 Usually there was one or two people we talked to.

905 Q Is [REDACTED] a code name? You knew him as [REDACTED]

906 A Yes.

907 Q But you didn't see any recordkeeping or inventory
 908 going on of the goods delivered?

909 A No.

910 BY MR. BALLEM:

911 Q We are back on Friday. You were making three
 912 flights and you said you observed AK-47 ammunition on those
 913 three drops. Is that correct?

914 A That is correct.

915 Q How much ammunition did you observe--who was doing
 916 what on the plane? Who was flying and who was dropping it?
 917 What were you doing?

918 A [REDACTED] flew; [REDACTED] was the pilot.
 919 [REDACTED] and I were in the back of the aircraft as load
 920 masters to cut the last strap and let the cargo fall.
 921 We had two contras aboard. One was an officer to
 922 oversee the mission, I guess, and there was a radio operator

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 38

923 with a hand-talkie to communicate with the drop zone.
924 Q How do you know there were contras? Who identified
925 them to you?
926 A My understanding is you were going down to aid
927 refugees. How do you know these people were contras and
928 what was your understanding of that?
929 A [REDACTED] and [REDACTED] had talked to me the
930 night before. This is the Northern-main contra camp, all
931 the people in this building are contras. [REDACTED]
932 [REDACTED]
933 [REDACTED] to watch
934 what we were seeing about missions that the Americans were
935 basically on their own and that [REDACTED] were providing
936 outer security [REDACTED] and there was friction between
937 the contras and [REDACTED] and to be very careful with
938 [REDACTED] they seemed to be very volatile.
939 [REDACTED]
940 [REDACTED]
941 BY MR. BALLEW:
942 Q The contras, what were they doing, these contras?
943 A There were contras in a hospital there, in the mess
944 hall--in the barracks that I was living in. It was mostly
945 contra pilots and contra officers.
946 Q Was this a military camp--
947 A Yes.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 39

948 . Q And you observed weapons there?

949 . A Yes.

950 . Q And did anyone explain to you the purpose of the

951 contras? Were they--what were they doing? Were they

952 fighting? Were they having a picnic? What what going on

953 there?

954 . A At this point, my understanding was kind of unclear

955 of what they were really doing. The next week I go back

956 there and my understanding was getting more clear, but at

957 that point, I knew that the contras were fighting the

958 communist Sandinista regime and that they were aiding them.

959 . Q And you knew that from your conversations with

960 [REDACTED]

961 . A And [REDACTED] and [REDACTED] I learned from

962 [REDACTED] that he had been at [REDACTED] for three or four

963 years and had not been back to see his family.

964 . MR. PARRY: Is [REDACTED] used as a training base or

965 is it purely a supply base?

966 . THE WITNESS: Very limited training is conducted

967 there mostly in air base logistical support.

968 . BY MR. BALLEW:

969 . Q Back to the flight on April 4; would that be

970 correct?

971 . A Yes.

972 . Q On that flight--I don't know whether I asked this or

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 40

973 not--how much AK-47 ammunition was aboard that flight that
974 you observed that you dropped?

975 . A During the first day, I would say maybe 20 percent
976 or 20 was actual AK-47. The majority of it was food.

977 . Q Very good sir.

978 . After you returned--where did you return after those
979 flights?

980 . A We returned to [REDACTED] I am told that since it
981 is Friday, that the whole crew of the aircraft will fly to
982 [REDACTED] to the safe house and that over the weekend,
983 the aircraft will receive general maintenance.

984 . Q And did that occur?

985 . A Yes, it did.

986 . Q When did it occur?

987 . A Friday evening about three o'clock in the
988 afternoon, I guess, we left and we landed [REDACTED]
989 [REDACTED] at five o'clock
990 in the evening. We were greeted by Ramon Medina and one of
991 his drivers and we were taken to the safe house No. 1.

992 . Q And what happened next?

993 . A I was given a room in the house and we stayed there
994 for the weekend. I was taken around town on Saturday and
995 shown [REDACTED] taken to the only mall there, at cetera.

996 . Q Who took you around?

997 . A Ramon and [REDACTED].

UNCLASSIFIED

UNCLASSIFIED

NAME: MIRO72002

PAGE 41

998 . Q Did there come a time during that weekend when you
999 saw John Cupp?

1000 . A Yes.

1001 . Q And what were the circumstances when you first saw
1002 John Cupp?

1003 . A On April 6, 1986, it was Sunday evening, we just
1004 finished dinner at the house and were sitting around
1005 watching TV. John Cupp shows up after flying down from
1006 Washington, D.C.

1007 . Q How did you know he had flown down from Washington?

1008 . A He told us.

1009 . Q You were staying in Safe House No. 1 [REDACTED]
1010 Could you describe [REDACTED] a little bit for us and safe
1011 House No. 1, physically?

1012 . A Okay.

1013 [REDACTED]
1014 [REDACTED]
1015 [REDACTED]

1016 . Q Is it [REDACTED] from your observations?

1017 . A Yes, I would say that.

1018 . Q If you could describe Safe House No. 1.

1019 . A Safe House No. 1 was a three-bedroom house
1020 [REDACTED]
1021 [REDACTED]

1022 . Q It is just a--are you familiar with a butler hut?

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 42

1023 . A I am familiar with the metal butler buildings, yes.
1024 . Q Was it that kind of a building?
1025 . A No. There was a regular residential brick stucco
1026 house.
1027 . Q Did you ever stay in any butler housing?
1028 . A No. I believe if you are referring to a butler
1029 building that you are referring to the warehouse that was
1030 erected [REDACTED] for us to store
1031 supplies and maintain equipment for our aircraft.
1032 . Q What did those supplies include?
1033 . A I have seen aircraft supplies stored in that
1034 building, plastic explosives and weapons and ammunition
1035 stored in that building.
1036 . Q Back to John Cupp arriving at the [REDACTED] house. What
1037 happened at that time?
1038 . A [REDACTED] and myself
1039 all started to complain about the lack of equipment, supply
1040 parts and the inadequacies of the operation.
1041 . John had said that it wasn't his job to sit through
1042 our complaint session, and he said that he would take notes
1043 and take these complaints back to Dick and that Dick would
1044 pass them on to the principals.
1045 . Q Dick who?
1046 . A Dick Gadd.
1047 . We ended our little complaint session with him, he

UNCLASSIFIED

NAME: MIRO72002

UNCLASSIFIED

PAGE 43

1048 looked at [REDACTED] and said, "I have something secret I
 1049 need to tell you. Step into the back." The two of them
 1050 went into a bedroom. We heard loud voices and John Cupp
 1051 comes out slamming the door and says, "If everybody has to
 1052 know what is going on, I have an envelope with \$50,000 in it
 1053 in cash. This money needs to be transferred tomorrow
 1054 morning to [REDACTED] and [REDACTED] cannot know about
 1055 this, and I didn't want any of you to know about it so the
 1056 information would not leak out."
 1057 [REDACTED] comes out and calls [REDACTED] and says,
 1058 "We need to meet you tomorrow morning at nine o'clock plane
 1059 site."
 1060 Q How do you know he called [REDACTED]?
 1061 A He said, "[REDACTED] this is [REDACTED]."
 1062 Q Had you met [REDACTED] prior to that time? Did
 1063 you know who he was?
 1064 A Yes.
 1065 Q How did you know?
 1066 A [REDACTED] had given me [REDACTED] and
 1067 [REDACTED] telephone number saying if I got into
 1068 trouble [REDACTED] call these people, that they weren't
 1069 directly related to our operation, but they were government
 1070 officials who could help.
 1071 Q You mentioned Max Gomez. Had you met him?
 1072 A During that Saturday and Sunday, I had met Max.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 44

1073 . Q Was his role explained to you by John Cupp or
1074 anyone else?

1075 . A John Cupp didn't explain it, no. [REDACTED] and
1076 [REDACTED] had told me that Max Gomez was one of our main
1077 contacts, if not the main contact, [REDACTED] that he
1078 was a little outside of our operation, but he had influence.

1079 . BY MR. PARRY:

1080 . Q Max Gomez, did you ever know him by any other name?

1081 . A No.

1082 . Q Did he ever talk about contacts with the Vice
1083 President's office or brag about his contacts to Washington?

1084 . A Yes.

1085 . Q What did he say about that?

1086 . A Had his quarters in observing photographs on the
1087 wall of him standing next to George Bush, eating dinner with
1088 George Bush, I became familiar that he knew him and in
1089 conversations with Max Gomez, I believe it was in late May
1090 he had said he was traveling to Washington, D.C., for
1091 approximately a week and during that time that he would meet
1092 with his good friend, George Bush.

1093 . Q Did he imply that some of his authority came from
1094 the Vice President?

1095 . A No.

1096 . Q Did he mention another name such as Mr. Gregg?

1097 . A No.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 45

1098 . Q Just Vice President Bush?

1099 . A Yes.

1100 . BY MR. BALLEW:

1101 . Q Now, after you heard that conversation, did you

1102 observe any further facts relating to the conversation

1103 concerning the transfer of \$50,000 to [REDACTED]

1104 . A The next day, Monday, [REDACTED]

1105 [REDACTED] the mechanic, and myself go [REDACTED] in

1106 preparation to fly back [REDACTED]

1107 . Q The safe house is not at [REDACTED] that you

1108 described, Safe House No. 1?

1109 . A It is in [REDACTED]

1110 . Q Go ahead.

1111 . A We show up there early in the morning and wait for

1112 fuel and for [REDACTED] at the plane site. Nine o'clock

1113 comes, [REDACTED] is late; 9:15, 9:30, nobody shows up.

1114 Forty-five minutes after the meeting is scheduled, Max Gomez

1115 and Ramon Medina come down. They drive up to the plane side

1116 and Max Gomez walks up to [REDACTED] and says, "[REDACTED] I

1117 understand that you have some money for the fuel account.

1118 Give it to me. [REDACTED] is tied up and won't be able

1119 to be here this morning and you are to give me the money."

1120 . I observed that [REDACTED] has Max Gomez sign a

1121 small, what I would call a petty cash receipt, although in

1122 this context it wouldn't fit petty cash.

UNCLASSIFIED

NAME: HIRO72002

UNCLASSIFIED

PAGE 46

1123 . MR. BALLEM: Back to Saturday.
1124 . Mr. Brown, why don't you pose the question?
1125 . BY MR. BROWN:
1126 . Q On Saturday, when you met [REDACTED] did you
1127 meet any other individuals at that time?
1128 . A [REDACTED] was in the office and [REDACTED]
1129 and I had gone there.
1130 . BY MR. BALLEM:
1131 . Q Why had you gone there? Why had you gone to meet
1132 him on Saturday?
1133 . BY MR. BROWN:
1134 . Q What are the events leading up to--
1135 . A [REDACTED] had borrowed something from [REDACTED]
1136 and he was taking it back to [REDACTED] to return it to
1137 him and at this point [REDACTED] had told me, "Look, this is
1138 [REDACTED] He is a liaison person, not involved in the
1139 operation, but he can be of help."
1140 . MR. ADDINGTON: Was this meeting in the U.S.
1141 Embassy [REDACTED]
1142 . THE WITNESS: No, at base operations [REDACTED]
1143 He had a small office there or he uses an office there.
1144 . MR. BALLEM: Could you ask the court reporter to
1145 read something back, please.
1146 . [Whereupon, the record was read by the reporter.]

UNCLASSIFIED

NAME: N1R072002

PAGE 47

UNCLASSIFIED

1147 RPTS DOTSON
1148 DCMN LYNN
1149 BY MR. BALLEW:
1150 Q After you had observed the signing of this receipt,
1151 what occurred next? Who signed the receipt?
1152 A Max Gomez.
1153 Q What occurred after that?
1154 A Medina and Ramon got back in their car. We leave,
1155 we start up the engines of the Caribou.
1156 Q What kind of an aircraft is that, sir?
1157 A A C-7-A, twin-engine prop aircraft.
1158 Q Had you flown them that way before?
1159 A That was the aircraft we used and flew on Friday.
1160 Q All right. You say you flew back [REDACTED]
1161 What was aboard the plane that you were flying?
1162 A Nothing. We transported no cargo on that trip.
1163 Q What happened after you arrived [REDACTED]
1164 A We made two flights to [REDACTED] drop zone,
1165 dropping some sort of mixture of cargo.
1166 Q Okay. What kind of plane were you then driving?
1167 A The same C-7-A Caribou.
1168 Q Okay. You made two drops. You loaded up equipment
1169 onto the plane?
1170 A Yes.
1171 Q What was loaded onto the plane?

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 48

1172 . A I don't have a complete list of that in my--
1173 . Q Approximately?
1174 . A In my memory, it was food and bullets.
1175 . Q You say bullets. Was this the same AK-47
1176 ammunition?
1177 . A Yes.
1178 . Q Were any other military supplies on that flight
1179 that you observed, that you know of?
1180 . A We dropped boots, fatigue backpacks, ammo pouches.
1181 I don't know whether you consider that military supplies.
1182 It is vague in my mind.
1183 . Q Any small arms?
1184 . A Only AK-47 ammunition.
1185 . MR. ADDINGTON: Could you describe the color and
1186 exterior markings of that aircraft, that Caribou?
1187 . THE WITNESS: That Caribou was a camouflaged--kind
1188 of dark, orderly green camouflaged aircraft.
1189 . BY MR. BALLEW:
1190 . Q Did it bear any company logos?
1191 . A No markings whatsoever on it. They had been
1192 obscured.
1193 . Q No flag or registration number?
1194 . A No.
1195 . Q After you made those two drops or--I assume it was
1196 the same crew that you had previously?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 49

1197 . A [REDACTED] and [REDACTED] yes.
1198 . Q After you made those drops, what happened then?
1199 . A We slept the night in our barracks [REDACTED]
1200 Tuesday, we were told we needed to make approximately two or
1201 three air land trips to a landing zone called [REDACTED] We
1202 transported one load of lumber, two by fours, sheet plywood,
1203 stuff like that. We also took AK-47 ammunition and a
1204 certain amount of plastic explosives. I don't remember how
1205 much. I remember loading the stuff on the back of the
1206 tailgate.
1207 . Q This would be approximately when, sir?
1208 . A This was the 8th of April, '86.
1209 . Q And let me just get something straight in my own
1210 mind. When you say you made a drop, what exactly would you
1211 be doing on the plane? What does that mean? What was your
1212 role?
1213 . A My role is the proper and safe loading of the
1214 equipment on the plane, the strapping down and securing of
1215 that equipment inside the aircraft. I sit back on the loads
1216 as the aircraft takes off. If there is any problems in
1217 takeoff, I have to jettison the cargo. The door stays open
1218 all the time. At the five-minute mark away from our drop
1219 zone, I cut the first strap, leaving only one strap on there
1220 to keep the stuff from going out the rear. As we fly over
1221 the drop zone, I either get a visual light or an audible

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 50

1222 bell signal from the pilot that it is now the time to drop
 1223 the cargo over the drop zone, and I'm standing at the very
 1224 end of the tailgate and I cut with a knife the last
 1225 restraining strap and, due to the loads being on rollers and
 1226 the aircraft accelerating and gaining altitude, it is called
 1227 a gravity-fed system, and the loads roll out the aircraft
 1228 next to me.

1229 . Q Do they have parachutes on them or just drop?

1230 . A Ninety-nine percent of all of these drops are with
 1231 parachutes. There are some free-drop items. We free drop
 1232 boots.

1233 . Q The ammunition or the food, for instance, that
 1234 would have a parachute on it?

1235 . A Yes. It normally would have three parachutes on
 1236 it, a cluster of parachutes.

1237 . MR. PARRY: [REDACTED] landing strip is also [REDACTED]
 1238 [REDACTED]

1239 . THE WITNESS: [REDACTED]

1240 . MR. ADDINGTON: You just called it a drop zone.

1241 . THE WITNESS: [REDACTED] is three different areas.

1242 There's two of which we can land it and one we have to drop
 1243 it.

1244 . BY MR. BALEN:

1245 . Q On April 8th you landed there and delivered this
 1246 cargo; is that correct?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 51

1247 . A Yes. I observed Miskito Indians who helped unload
1248 the cargo, put it in trucks and they drove off.

1249 . Q After that, sir, what occurred? When was your next
1250 flight?

1251 . A The next day, the 9th of April, '86, we had six
1252 flights to [REDACTED] drop zone and one flight to [REDACTED]
1253 and on the 9th is when the L-100 comes into [REDACTED]

1254 . Q Describe the L-100 coming into [REDACTED] Is that
1255 the plane you made these flights on you just described?

1256 . A No. We are using the Caribou. We come back to
1257 [REDACTED] two or three o'clock in the afternoon after flying
1258 these missions.

1259 . Q Where were the six trips back to?

1260 . A [REDACTED] drop zone.

1261 . Q What was the cargo aboard the aircraft?

1262 . A It was a mixture of humanitarian and lethal aid and
1263 ammunition at some points. There were grenades and things
1264 like this in obvious wooden boxes. They said grenades on
1265 them. My memory is not clear on exactly when grenades were
1266 mixed in. I've got six flights in one day. I can't tell
1267 you.

1268 . Q Among those six flights there was a mixture of
1269 food, grenades, ammunition--

1270 . A Yes.

1271 . Q --and other items?

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 52

1272 . A Yes.

1273 . Q Did you know whether--you mentioned AK-47. How

1274 about the grenades or any other arms; did you notice the

1275 origin? Were they Soviet arms? Were they American arms,

1276 based on your experience in the military?

1277 . A During these flights the grenades seemed to be from

1278 [REDACTED] I wasn't sure. I've got more information on the

1279 next day's flight.

1280 . Q After you made the six drops to [REDACTED] you

1281 testified you returned at approximately two o'clock; is that

1282 correct, sir?

1283 . A Yes.

1284 . Q What happened? You mentioned an L-100 arrived.

1285 What happened at that point?

1286 . A As we fly back in on our Caribou to [REDACTED] there

1287 is an L-100 on the ground. It is unloading humanitarian aid

1288 is what it would appear. Bonzo Von Haven comes up to me and

1289 says, "Dick Gadd has told me to tell you, for you to keep

1290 your agreement, come with us and to bring enough equipment

1291 to conduct an inside mission."

1292 I do this. I grab my personal gear. I go back to Bonzo.

1293 Bonzo is with a man named [REDACTED]

1294 [REDACTED]

1295 . Q Not the same [REDACTED] you had referred to?

1296 . A No. [REDACTED] He tells [REDACTED] Bonzo

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 53

1297 tells [REDACTED] the cargo they want delivered inside
1298 Nicaragua. [REDACTED] "The L-100 doesn't have
1299 clearance to go in." Bonzo says, "Well, we need to take
1300 the ^{Cargo in} ~~money~~ with us to [REDACTED] and we will await clearance
1301 and we need to prepare for this drop."

1302 That's what we did. We loaded up 17 loads. These loads
1303 were all lethal aid, a combination of AK-47 ammunition, AK-
1304 47 rifles in foot lockers, RPG bazookas is what I call them,
1305 M-79 grenade launchers and ammunition. They are all
1306 configured to be dropped out of a DC-6 aircraft, and I'm
1307 asking [REDACTED] to release more parachutes and more
1308 containers so that I can re rig this equipment for an L-100.
1309 They tell me this is not possible, and that in their opinion
1310 the stuff will work just fine. I told them my discontent
1311 with the situation and we boarded the aircraft, discontent
1312 with just 17 loads, and we took off for [REDACTED]

1313 . Q Did you actually engage in packing this military
1314 equipment, these arms?

1315 . A I didn't engage in it. I walked over to the
1316 warehouse and I saw the rifles being put in foot lockers,
1317 and there was a concern over padding and that was why I went
1318 over there.

1319 . Q Who expressed the concern over padding?

1320 . A It had been for the last week or so. The weapons
1321 and things like this weren't being properly rigged. I'm a

UNCLASSIFIED

UNCLASSIFIED

NAME: HIRO72002

PAGE 54

1322 highly trained rigger and I'm working with Contras and I'm
 1323 trying to lend them some of my experience in this and teach
 1324 them how to do a better job.

1325 . MR. BROWN: Did the L-100 have any identification
 1326 markings?

1327 . THE WITNESS: At that time I didn't identify the
 1328 aircraft. The next day I did. It was a Southern Air L-100.
 1329 It had those markings on it. I didn't take the tail number
 1330 at that point.

1331 . MR. PARRY: Could it have been the same one that
 1332 came from New Orleans?

1333 . THE WITNESS: It certainly appeared to be.

1334 . MR. BROWN: Did you take the tailgate markings of
 1335 this plane at a later date? *JT251 FIVE*

1336 . THE WITNESS: I did. JC251.

1337 . MR. BROWN: What are those markings? So this is
 1338 the same plane you rode down on from Miami?

1339 . THE WITNESS: Yes.

1340 . BY MR. BALLEM:

1341 . Q At least it had the same tail markings?

1342 . A It appeared to be the same flight.

1343 . MR. PARRY: Was it Miami or New Orleans?

1344 . BY MR. BALLEM:

1345 . Q Was it Miami or New Orleans?

1346 . A I left from New Orleans.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 55

1347 . Q I believe you left off, you flew on this L-100 with
1348 the 17 loads back to [REDACTED] is that correct, sir?
1349 . A Yes.
1350 . Q What happened at that point in time?
1351 . A We were met by a driver and we were taken back to
1352 the safe house. I should go through--
1353 . BY MR. ADDINGTON:
1354 . Q Is this the same safe house number one?
1355 . A Yes. I should go through at this point who was the
1356 crew on the L-100. Piloted by Bonzo Von Havan, co-piloted
1357 by a ~~Manly Sims~~. They have an Oriental named Song Pong with
1358 them. There is also another individual aboard, a 30-year
1359 old gentleman, young, energetic, and his name is told me to
1360 be Joseph. Bonzo and them treat this man with somewhat of
1361 esteem. I'm trying to figure out why an elderly gentleman
1362 like Bonzo is treating this younger pilot this way. I
1363 talked to J.W. Shugman and asked him, "What is the deal on
1364 Joseph?" And I'm told this is the senior pilot for
1365 Southern Air and he is here to observe.
1366 . Q Did you know any of these names to be real or these
1367 were just how people identified themselves to you, other
1368 than the people you knew from prior association such as
1369 [REDACTED]
1370 . A I didn't know whether they were their real names or
1371 not.

UNCLASSIFIED

NAME: WIR072002

UNCLASSIFIED

PAGE 56

1372 . Q I'm sorry to interrupt you.

1373 Did you use your real name with them?

1374 . A Yes, I did.

1375 We go to the safe house, everybody starts to throw their

1376 stuff into different rooms. There is obviously not enough

1377 room in the house for everybody, and Sims and Joseph go to

1378 [REDACTED] and they stayed overnight in [REDACTED]

1379 Bonzo and J.J. and Song Pong stay at the house with me.

1380 That night there is one or two phone conversations that I

1381 overheard Bonzo placing to Dick Gadd. I didn't hear the

1382 full context of the conversation.

1383 . Q This safe house, was it a small room or were you

1384 all in one room when they talked on the phone?

1385 . A There was only one telephone in the house, and it

1386 was the room in which everybody would watch TV. So whenever

1387 there was a phone conversation and you were watching TV, you

1388 would basically overhear it.

1389 . Q TV in Spanish?

1390 . A Plus CNN News.

1391 . Q All right. What did you hear? Bonzo was on the

1392 phone. What did you hear of these phone conversations? You

1393 said they were with Dick Gadd. How did you know they were

1394 with Dick Gadd?

1395 . A I overheard Bonzo say, "Well, Dick, this is Bonzo.

1396 We are here at the safe house and we got all the party

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 57

1397 material, and we are waiting to rig the aircraft tomorrow,
1398 and we should be able to go to the party tomorrow night.''
1399 . Q He just said Dick? He didn't say Colonel Gadd?
1400 . A Right.
1401 . Q And what happened after that, sir?
1402 . A The next morning we get up. J.J. Shugman, Song
1403 Pong and myself go to [REDACTED] and we prepare the aircraft
1404 for air drop. We install a roller system, anchor line
1405 cable, and we rerig the DC-6 loads to fill the L-100.
1406 . Q At any time during that time did Bonzo meet with
1407 anyone else to make plans as to where to make this drop
1408 inside?
1409 . A I don't know Bonzo's whereabouts during daylight
1410 hours of the 10th of April, 1986.
1411 . Q When did you plane--after you rigged it, what
1412 occurred?
1413 . A We go back for dinner at the safe house. We meet
1414 with the entire crew there at the safe house. From there we
1415 get into a van. We go to [REDACTED] We are standing around
1416 plane side. Bonzo says he would like to see Max Gomez, he
1417 is supposed to meet him. I say, let's check his quarters.
1418 I know where Max's quarters were. I take Bonzo to Max's
1419 quarters. We knock on the door. Ramon lets us in.
1420 . Q This would be Ramon Medina?
1421 . A Yes. Inside Max's quarters there are [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 58

1422 [REDACTED] Max Gomez, Ramon Medina, Rafael Quintero is what I
1423 have learned his last name is. We only referred to him as
1424 Rafael.

1425 Q How did you learn his last name? You said you
1426 learned that.

1427 A The news media.

1428 Q So you don't know for--

1429 A No, I don't know. I'm assuming.

1430 Inside the building or inside Max's quarters, they unfold
1431 a map of the area, and I observed clearly from--you know, I'm
1432 in the same room. [REDACTED] Max Gomez and Bonzo plan
1433 the flight into Nicaragua. They had a map out. It is
1434 clearly [REDACTED] Nicaragua [REDACTED] on
1435 the map.

1436 Q What does [REDACTED] say?

1437 A He doesn't say a lot. He is not planning the
1438 mission. It is Max and Bonzo planning it, although [REDACTED]
1439 [REDACTED] goes through basically you shouldn't do that, you
1440 should keep your radio as silent as possible and this is a
1441 radar installation area here, and they can paint you, to
1442 stay away from this area, stuff like that, basically sharing
1443 information on the flight route.

1444 Q Does he at any time talk about the weapons and how
1445 they are loaded, [REDACTED]?

1446 A After the meeting in the barracks, [REDACTED]

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 59

1447 goes back with us to the aircraft and there at the aircraft
 1448 Rafael and Max go into the cockpit with Bonzo and J.J. or,
 1449 excuse me, Sims and Bonzo are plugging in the navigation
 1450 aids. [REDACTED] goes to the back of the aircraft with
 1451 me, and I walk him all the way around the loads. It is
 1452 clear to him that it is lethal aid. He asks me specifically
 1453 about assault rifles, are there rifles aboard, and I say
 1454 yes. He says, "Are they padded? Are you going to bend any
 1455 barrels on this trip?" I said, "No, sir, I can assure you
 1456 the weapons in these foot lockers are padded. I don't
 1457 foresee any chance of damaging the weapons."
 1458 Q What did [REDACTED] say at that point?
 1459 A "Looks like you have done a good job, Crawford. I
 1460 hope everything works okay." I discussed with him my
 1461 dissatisfaction in jury rigging the entire load, but I
 1462 assured him, as I had assured Dick Gadd on the phone prior,
 1463 that I wasn't going to fly on that mission if I didn't think
 1464 all the cargo would go on without causing a problem.
 1465 Q When did you assure Dick Gadd on the phone?
 1466 A Their house. Around dinnertime the phone rang and
 1467 I picked it up, and it was Dick Gadd's voice. Dick asked
 1468 me, "Well, I hear you are going to go to the party tonight.
 1469 Is everything going to be all right? How about your party
 1470 material? You are in charge of that. Is everything okay?"
 1471 I said, "Yes. I'm jury rigging it all. I'm having to d

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 60

1472 it with chewing gum and string, but I'm not going to fly the
1473 mission if I don't think it will work," and I hand the
1474 phone on to Bonzo.

1475 Q Now, did you have any further conversations with
1476 [REDACTED] aboard the flight?

1477 A Only--

1478 Q Aboard the plane, I'm sorry.

1479 A Only about the stuff in the back. I believe that
1480 it was either during that time he observed us or I had told
1481 him that we had just concluded emptying the trash cans and
1482 taking some flying logs out and stuff like that, but
1483 basically we did have a sterile aircraft, other than the
1484 over markings on the outside of the aircraft.

1485 Q And what happened next? Did you leave?

1486 A Yes. We took off from [REDACTED] flew down [REDACTED]
1487 [REDACTED] We turned over [REDACTED] and
1488 I'm wearing a headset most of the time so I'm party to the
1489 conversations of the cockpit. And as we crossed the
1490 Nicaraguan border, Bonzo had alerted all of us this is the
1491 border, now we are inside Nicaragua. We turned off all the
1492 lights, dimmed them down, and we flew to the area where we
1493 thought the drop zone would be found. I opened up the
1494 tailgate, looked around for the drop zone, couldn't find it.
1495 I had to lay down on the tailgate and look forward to the
1496 aircraft because the pilots were having a hard time finding

UNCLASSIFIED

UNCLASSIFIED

NAME: HIRO72002

PAGE 61

1497 stuff, couldn't find the drop zone that night. We flew
1498 around for about half an hour.

1499 MR. BROWN: Who is on board this flight?

1500 THE WITNESS: Bonzo Von Haven as pilot, Sims as co-

1501 pilot, Joseph is aboard the plane. He is sitting in one of

1502 the engineer's seats. J.J. Shugman is an engineer. Song

1503 Pong is aboard, is a load master, and I am aboard.

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 62

1504 RPTS DOTSON

1505 DCMH LYNN

1506 . BY MR. BALLEW:

1507 . Q What happens after that?

1508 . A We couldn't find the drop zone. We closed the

1509 tailgate back up. We basically retraced our steps. I was

1510 told by Bonzo, we were all told by Bonzo on the headset,

1511 "Now we are back over [REDACTED]" It kind of makes

1512 everyone breathe easier to know these things. We flew back

1513 to [REDACTED] and were back at the safe house about four

1514 o'clock in the morning.

1515 . Q Did you subsequently go on the mission again?

1516 . A Yes. The next day we did virtually the same thing.

1517 We took off from [REDACTED] flew down [REDACTED]

1518 . Q Let me just interrupt you for a second. Did you

1519 have any conversation with [REDACTED] or Dick Gadd or

1520 anyone else about not having success on that particular

1521 mission?

1522 . A On the first night when we arrived back, we met

1523 Rafael and Max Gomez and Ramon. They kind of acted very

1524 disappointed we couldn't find the drop zone, and there was

1525 speculation on whether or not we would be allowed to do it

1526 the next night. The speculation was based upon whether or

1527 not the aircraft could stay and whether or not we had been

1528 seen that night, so on and so forth.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 63

1529 The next day I had no contact with [REDACTED] or
1530 anyone. Bonzo Von Haven came back from somewhere and at the
1531 safe house he told myself and J.J. that we had not been
1532 detected the night before and because of that we were being
1533 allowed to conduct the mission that night, to prepare
1534 ourselves for staying up all night for conducting the
1535 mission the second time.

1536 Q Did that happen, sir?

1537 A Yes, it did.

1538 Q What happened on the second mission?

1539 A After flying into Micaragua, we found the drop zone
1540 quite easily and after opening up the tailgate we found it
1541 was obvious two mountain tops had kind of been set on fire,
1542 kind of attract our attention in the general quadrant, and
1543 beyond those hilltops that were on fire there was a very
1544 clearly marked drop zone. We flew over the drop zone, I
1545 deposited all of the loads in my opinion on target in one
1546 easy dispatch. We flew back to [REDACTED] landed, met by
1547 Rafael, Max and Ramon, and they had a bottle of rum and were
1548 quite happy.

1549 MR. BROWN: I have just a couple of quick
1550 questions. You mentioned on the 10th of April, I believe
1551 you mentioned that you had had a conversation, the 9th or
1552 10th of April you had a conversation on the phone with Dick
1553 Gadd. Did you have an occasion to talk with him on the 11th

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 64

1554 of April by phone?

1555 THE WITNESS: I picked up the phone and talked to
1556 him like once or something, and he said, "I hear you didn't
1557 get to go to your party last night" or something and that
1558 we were to head in there again that night and he hoped
1559 everything would end up fine and I handed the phone to
1560 Bonzo.

1561 MR. BROWN: Also a question about the crew, Bonzo
1562 Von Haven and J.J. Do you know anything about their
1563 history?

1564 THE WITNESS: In talking to Sims, I had learned
1565 that he was a retired Air Force pilot [REDACTED]
1566 [REDACTED]

1567 BY MR. BALLEW:

1568 Q Who was he?

1569 A Co-pilot Sims.

1570 Q You say he was a [REDACTED]

1571 A That he was a pilot with--

1572 Q Sims was?

1573 A Yes. That he was a retired Air Force pilot [REDACTED]
1574 [REDACTED]

1575 This
1576 in my mind lent them credibility of being some of the best
1577 pilots in the world. During the 11th while we were there at
1578 the house, this guy Joseph had come up to Bonzo and said,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 65

1579 "Well, I went on the mission last night, there is no need
1580 for me to go on the mission tonight." He was extremely
1581 nervous that night. Just smoking cigarette after cigarette;
1582 a very, very nervous person.

1583 MR. PARRY: Joseph?

1584 THE WITNESS: Joseph. I had been told again that
1585 he was the senior pilot for Southern Air and he was
1586 observing this operation in order to go back to Southern Air
1587 and tell them his opinion on whether or not they should
1588 continue this type of flight. I was told this by Bonzo.

1589 On the 11th after I had picked up the phone and talked to
1590 Dick, Joseph and Bonzo had had this conversation about how
1591 he wasn't to go in on this flight and Bonzo, I guess, didn't
1592 have the authority to tell him. Bonzo gets on the phone and
1593 is talking to Dick about, well, Joseph doesn't want to go to
1594 the party tonight and stuff like this. To some degree, I
1595 think it was a bit of ribbing. Joseph had had no clearly
1596 military experience, and Bonzo related to Dick that he
1597 wouldn't go in, so on and so forth.

1598 There were about two or three phone calls placed back and
1599 forth which would seem to be between Bonzo and Dick Gadd.
1600 Then the phone rang. I picked it up and it was somebody
1601 from Southern Air. I don't know who it was. That
1602 individual talked on the phone to Joseph. Joseph said,
1603 "Yes, sir. Yes, sir. Yes, sir. I will fly, I'll go

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 66

1604 ahead, yes, sir.'" And he got back on the plane and he flew
1605 that night.

1606 . MR. ADDINGTON: How did you know it was someone
1607 from Southern Air?

1608 . THE WITNESS: The context of the phone and J.J.
1609 Shugman on the phone, and he told me that's probably the
1610 president of Southern Air, he probably called up and said he
1611 had better fly if he wants to keep his job.

1612 . BY MR. SALLEN:

1613 . Q What is marked as Committee Exhibit 1, could you
1614 explain this document?

1615 . A This document was attached to one of the 17 loads
1616 aboard both of these flights. It was identical cargo.

1617 . Q When you say attached to a load, would you describe
1618 that.

1619 . A We have 17 loads aboard the aircraft. A load is a
1620 piece of plywood with four straps on the bottom of the
1621 plywood, and you stack all your boxes on top. You use
1622 straps to secure the load as in one unit. You attached the
1623 parachutes to the straps and then this is one of the 17
1624 loads that falls out the aircraft. This document was a list
1625 of what was contained in that load, what was in the little
1626 boxes. I'm not very good in Spanish, but--

1627 . Q Who put that list on the loads?

1628 . A The Contras.

UNCLASSIFIED

UNCLASSIFIED

NAME: MIRO72002

PAGE 67

1629 . Q Do you know who from the Contras put it there?

1630 . A No. The riggers who were rigging.

1631 . MR. PARRY: Where?

1632 . THE WITNESS: At [REDACTED]

1633 . BY MR. BALLEW:

1634 . Q You brought it back [REDACTED] and this document

1635 was on one of the loads that you dropped?

1636 . A That is correct.

1637 . Q When did you take it off the load?

1638 . A During the afternoon of the 10th of April

1639 86.

1640 . Q Before you went on your first trip?

1641 . A Correct.

1642 . Q How did you take it off the load?

1643 . A It was just stapled on. I ripped this and I ripped

1644 another one off. I put them in my pocket to keep them as

1645 souvenirs.

1646 . Q Why?

1647 . A As a souvenir to remember my help in the Contra

1648 effort.

1649 . Q And could you say what the document says?

1650 . A In my limited Spanish, it says the destination is

1651 the southern front, that it's 730 pounds. The observations

1652 or remarks column says 20 rifles of G-3, six tubes of RPG,

1653 seven weapons, three grenade rounds, I believe it's an armor

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 68

1654 piecing round, 50 M-79 grenade launchers and ten bandoliers
1655 of grenades and 216 grenades of M-79 stock.

1656 . Q Does that correspond to what you observed was in
1657 that load?

1658 . A Yes.

1659 . Q On those loads?

1660 . A Yes.

1661 . Q After you arrived back, after completing your
1662 mission into Nicaragua, what happened at that time? When
1663 did you--what happened next in terms of your ongoing
1664 employment?

1665 . A You know, we would go back to the safe house and on
1666 Saturday, the 12th, we basically slept all day.

1667 . Q When was the next event other than sleeping and--

1668 . A On the 13th, Sunday, I worked on Max's radio at his
1669 quarters helping to install a new radio antenna for him and
1670 stuff like that to get his radio up.

1671 . Q And on the 14th, sir, what happened then?

1672 . A Nothing. We just stayed at the safe house the 14th
1673 and 15th.

1674 . MR. ADDINGTON: Could I ask, what type of radio was
1675 it Max had that you were working on?

1676 . THE WITNESS: It was a HF Kenwood 430S radio.

1677 . MR. PARRY: What type of a radio is that?

1678 . THE WITNESS: It is a 3 to 30 megahertz ham radio.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 69

1679 . BY MR. BALLEW:

1680 . Q Sir, now on April 14th, did an individual by the

1681 name of Cooper fly into [REDACTED] on another plane?

1682 . A Yes.

1683 . Q What kind of plane was that?

1684 . A It was a C-123 that was being brought down for one

1685 of our--as part of our operation.

1686 . Q Now, what happened? Did you see that plane? Did

1687 you board that plane?

1688 . A As soon as it got there, we all kind of went out

1689 there to look at it because it was our new big bird, and we

1690 were introduced to Cooper and a man that I will refer to as

1691 Nam Fat. I don't know his other name. He was a 66-year old

1692 gentleman who was drawing social security who never should

1693 have been hired as a pilot. He only lasted three weeks and

1694 they sent him home with a month's pay.

1695 . Q You don't know his real name?

1696 . A I was told, but I've forgotten.

1697 . Q And what happened at that point in time?

1698 . A During Monday, the 14th and 15th, they did touch

1699 and goes there at [REDACTED] to improve their familiarity with

1700 the aircraft.

1701 . Q Did there come--do you know who was on board the

1702 aircraft? Did you observe what was on board the aircraft?

1703 . A When it landed?

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 70

1704 . Q Yes.

1705 . A No.

1706 . Q At a later time, did you observe what was on board

1707 the aircraft? Let me rephrase the question.

1708 Did there come a point in time when a group of people

1709 approached the aircraft where there was a discussion

1710 concerning what was on board?

1711 . A This is later. This is a day or two later than

1712 this.

1713 . Q All right.

1714 . A We are jumping ahead.

1715 . Q I'm sorry.

1716 . A For Monday and Tuesday, Cooper and Ham Fat, they

1717 just did touch and goes to [REDACTED] On the 16th, since our

1718 Caribous are broken, that's when we go from [REDACTED] back to

1719 [REDACTED] with the C-123, the first time the C-123 has been

1720 used.

1721 . MR. PARRY: It is empty at this point?

1722 . THE WITNESS: For flight to [REDACTED] we were asked

1723 to transport about 500 pounds of plastic explosives to

1724 [REDACTED]

1725 . BY MR. BALLEW:

1726 . Q Who had asked you to do that?

1727 . A Rafael and Max.

1728 . BY MR. ADDINGTON:

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 71

1729 . Q Can you describe this aircraft's exterior, the C-
1730 123?
1731 . A It is a camouflaged C-123 with no name on it, and I
1732 believe that that--the first day or two it was there, they
1733 spray painted over the numbers. I never got the numbers.
1734 . Q No flag on it either?
1735 . A No.
1736 . BY MR. BALLEM:
1737 . Q Who was on board with you from [REDACTED] to
1738 [REDACTED]
1739 . A William Cooper, Nam [REDACTED] the
1740 mechanic, and I believe [REDACTED] was there.
1741 . BY MR. PARRY:
1742 . Q Okay, sir. I'm a little confused. Were the
1743 plastic explosives loaded onto the plane in [REDACTED]
1744 . A Yes.
1745 . Q Are they labeled, are they in tubes, are they
1746 labels as plastic explosives?
1747 . A It's in wooden crates, about 30 pounds apiece and
1748 clearly labeled plastic explosives. It is not in English
1749 though. I forget what language it was. It had explosive
1750 markings on it.
1751 . BY MR. BALLEM:
1752 . Q Up until this time, was there any American-made
1753 weapons on board?

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 72

1754 . A Only the M-79s. That's the only American-made
 1755 ammunition I've ever seen down there.

1756 . Q All right. Could you describe--you left from
 1757 [REDACTED] with the plastic explosives on board to [REDACTED]
 1758 What occurred next?

1759 . A We landed at [REDACTED] We were told by [REDACTED]
 1760 [REDACTED] drop zone had gone hot, that we were not to
 1761 go over there, it was hostile at the moment, and possibly
 1762 the next day they would have at least one mission to [REDACTED]
 1763 [REDACTED] That night we stayed at [REDACTED] in the barracks out
 1764 front. We had a small barbecue going and [REDACTED] and
 1765 Cooper were talking about whether or not this plane can land
 1766 at [REDACTED] Cooper was saying he used to land on aircraft
 1767 carriers all the time, a short strip, no problem to him, and
 1768 [REDACTED] is going, "But, but, but, Cooper, the Caribau barely
 1769 gets in there and out with a full load. Are you sure you
 1770 can do that with your 123?" During the barbecue, from
 1771 around the corner of the barracks comes an entourage of
 1772 about eight or ten people. They seem to be Americans. They
 1773 walk directly up to us. There is a very distinguished
 1774 looking gentleman in the middle. The front of the circle
 1775 splits. This man comes out. He introduced himself as
 1776 Ambassador Duemling from the U.S. State Department.

1777 He said, "Are you the flight crew flying that aircraft
 1778 out there?" Well, Cooper and [REDACTED] are kind of having a

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 73

1779 power play between themselves, and they are both trying to
1780 talk to this gentleman. I'm standing right next to him and
1781 I hear the entire conversation.

1782 They said, "Yes, we are the flight crew." And Duemling
1783 is saying, "Are you the flight crew to that bird? I need
1784 to know, because if you are with that bird and if Dick Gadd,
1785 if you work for Dick Gadd, you can talk to me."

1786 Well, in this group of other people standing around, [REDACTED]
1787 [REDACTED] were there and they're both nodding their heads and
1788 winking to us like tell them anything you want.

1789 Q Who is [REDACTED]? How did you know these people
1790 by that name?

1791 A They had been introduced to me by [REDACTED]. They
1792 were what appeared to be two Americans who were at [REDACTED]
1793 for reasons not clear to me.

1794 Q Why don't you proceed then.

1795 A Duemling comes out and says, "Look, you can talk
1796 to me, I'm the man who pays Dick Gadd and I need to know
1797 about that stuff on the end of the tailgate this afternoon.
1798 How much of that stuff are you moving?"

1799 Q What was on the end of the tailgate?

1800 A The plastic explosives we had bought. [REDACTED] and
1801 [REDACTED] get a little nervous and they don't want to talk to
1802 the man at all really. And it becomes clear to him he is
1803 not going to get any information out of them. He turns to

UNCLASSIFIED

UNCLASSIFIED

NAME: HIRO72002

PAGE 74

1804 another gentleman in his little group and says, "Well, it
1805 is clear to me these people aren't going to talk, but we
1806 need two different accounting systems set up here. I can't
1807 pay for moving stuff like that. We need two different
1808 accounting systems. I can't tell these men not to work down
1809 here, not to participate and work. I can't tell them what
1810 to do, but I can't pay for that type of activity."

UNCLASSIFIED

I

NAME: HIR072002

PAGE 75

UNCLASSIFIED

1811 RPTS DOTSO

1812 DCMN LYNN

1813 Q Did you subsequently fly that plane into [REDACTED]

1814 A No, we did not.

1815 Q Why not?

1816 A The following day, the 17th of April, '86, we're

1817 waiting to go to [REDACTED] and load the plane. It gets to

1818 be about lunch time and I laid down for a nap. Everybody

1819 else is in the mess hall. [REDACTED] comes up to me and he wakes

1820 me up, and he is very anxious and nervous, and he says,

1821 "You have to get out of here, you and that bird has to get

1822 out of here." I'm questioning him why, you know, we have

1823 to get out. He won't tell me.

1824 Q Did you have any conversation with [REDACTED] at

1825 that time?

1826 A Not at this time. We go to the mess hall. We get

1827 [REDACTED] Cooper and Nam Fat over [REDACTED] He is helping throw

1828 luggage up on the bunks, so we can get going. [REDACTED]

1829 comes down and says, "What's going on?" Cooper said to

1830 [REDACTED] you know, "We have to get out of here." [REDACTED] says,

1831 "We have to leave." [REDACTED] says, "Well, I haven't heard

1832 anything about this," and [REDACTED] comes out and says, "It has

1833 come [REDACTED] it will come over the Contra radio here

1834 in a little bit. You might as well load up because you guys

1835 got to get that aircraft out of here."

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 76

1836 Sure enough, about half an hour later, [REDACTED] comes down
1837 and says, "Yes, it just came on my radio. You guys got to
1838 leave." We loaded up with no cargo transport and flew back
1839 to [REDACTED]
1840 At [REDACTED] there is Max Gomez standing out there with his
1841 fist up in the air saying, "Why did you come back here for?
1842 Why don't you Americans do some work for a change." It
1843 was unclear why we had to leave.
1844 Q What happened subsequent to that?
1845 A I stayed at the safe house and I worked on radio
1846 equipment.
1847 Q Okay. And on or about April 20, 1986, what happens
1848 at that time?
1849 A We were told that the principals and Dick Gadd were
1850 going to fly down and straighten out our command and
1851 control, our chain of command problems. And, sure enough,
1852 Dick Gadd shows up at the house, 10 or 11 o'clock in the
1853 morning, something like this--
1854 Q This would be April 20?
1855 A April 20, '86. Safe house number one.
1856 Q And what happened when he arrived?
1857 A The entire crew was assembled and it's somewhat of
1858 a complaint session. We are telling him we are flying a
1859 Caribou with only one engine and we need more navigation
1860 equipment and we need flight vision equipment, so on and so

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 77

1861 forth, that we are having trouble with parts and fuel
1862 accounts and so forth. It was our complaint session.
1863 Q What does Mr. Gadd say?
1864 A He says, "we will take these complaints and try to
1865 get them smoothed over," and our chain of command is being
1866 worked out by the three individuals meeting at [REDACTED] at
1867 the moment with Contra leaders and [REDACTED]
1868 [REDACTED] During the meeting, Dick Gadd
1869 tells me I'll accompany them back to America. It is my time
1870 to rotate back to America, and Vernon will come back down.
1871 He tells me I'll fly back with them in his corporate jet
1872 they came down in.
1873 Q What happened after that?
1874 A We go--Dick Gadd and I have driven to [REDACTED] We
1875 go to the cafeteria at the operations base. We go upstairs,
1876 I sit down with the crew. About an hour or so later we go
1877 to the aircraft and three other gentlemen show up. I'm not
1878 introduced to them. We board the aircraft.
1879 BY MR. ADDINGTON:
1880 Q In the last conversation you mentioned with Mr.
1881 Gadd versus three principals trying to straighten things
1882 out, do you have any idea who you were referring to by three
1883 principals?
1884 A I didn't at the time.
1885 Q You think you might know now?

UNCLASSIFIED

UNCLASSIFIED

NAME: M1R072002

PAGE 78

1886 . A Yes.

1887 . Q Who do you think they were?

1888 . MR. BALLEW: He is going to--

1889 . MR. BROWN: Point of clarification. You said they

1890 were meeting with certain people to work out chain of

1891 command, principals were meeting. Do you know specifically

1892 who they were the principals were meeting with?

1893 . THE WITNESS: I was told Contra leaders and [REDACTED]

1894 [REDACTED] would be there.

1895 . MR. BROWN: Who told you this?

1896 . THE WITNESS: Dick Gadd.

1897 . BY MR. BALLEW:

1898 . Q Did there come a time when you boarded this

1899 airplane?

1900 . A Yes.

1901 . Q And what happened, sir?

1902 . A I boarded the plane and aboard the plane there were

1903 a co-pilot and a pilot, a stewardess, Dick Gadd, J.J., the

1904 mechanic, [REDACTED] the mechanic, three principals and

1905 myself.

1906 . Q You say three principals. Who referred to them as

1907 the three principals?

1908 . A Dick Gadd.

1909 . Q At that time?

1910 . A At that time.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIRO72002

PAGE 79

1911 . Q What happened?

1912 . A We fly from there to Miami International Airport.

1913 We land there. We all go through Customs. The three

1914 principals present some sort of red official passport.

1915 Their luggage and such is not searched. Dick Gadd and I

1916 both have blue ones. We have a courtesy check and go

1917 through Customs. From there we get back aboard the plane,

1918 get taxied to Southern Air. The three principals and Dick

1919 Gadd go behind a closed door and they have a meeting at

1920 Southern Air. I kind of wander around the complex just

1921 talking to people. The two mechanics just disappear. They

1922 are in Miami. That's basically their home. They go--

1923 . MR. BROWN: If I may interject, did you have to

1924 fill out any forms in the process of going through Customs?

1925 . THE WITNESS: Yes.

1926 . MR. BROWN: What?

1927 . THE WITNESS: The normal three by seven declaration

1928 form.

1929 . MR. BROWN: Did you notice--did the principals fill

1930 out forms?

1931 . THE WITNESS: Yes. Everybody aboard the plane

1932 filled them out.

1933 . BY MR. ADDINGTON:

1934 . Q You mentioned they had red passports. Did you read

1935 the front of them so you knew they were U.S. passports?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 80

1936 . A No.

1937 . Q They appeared to you to be Americans?

1938 . A Yes.

1939 . MR. BALLEEN: Go ahead, sir.

1940 . THE WITNESS: The meeting at Southern Air

1941 concludes. The aircraft is refueled. I'm out by the

1942 aircraft. I'm talking to the pilot and co-pilot. They kind

1943 of turn around and point to a building and say, "That's the

1944 cosmetic company that we normally work for. This is just

1945 one of these lease flights. We are trying to sell the

1946 aircraft and Southern Air might buy it, so they have had us

1947 fly everybody in it for one trip to see whether or not they

1948 want to buy the aircraft."

1949 . BY MR. BALLEEN:

1950 . Q What kind of aircraft was it?

1951 . A A Jet Star.

1952 . Q Did you subsequently board the aircraft again?

1953 . A We again board the aircraft; Dick Gadd, myself and

1954 the three principals.

1955 . Q What happened at that time?

1956 . A We take off en route to Dulles Airport. In mid

1957 flight Dick Gadd turns to me and he goes, "Will you please

1958 stand up and brief these three gentlemen on your party the

1959 other night." I kind of look at him, and I don't know how

1960 much to tell them or how much to keep back. So during my

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 81

1961 conversations, my briefing to these gentlemen, I'm always
1962 looking at Dick and again he is giving the nod, tell them
1963 more, tell them more.

1964 . Q What did you say?

1965 . A I started my briefing with I was at [REDACTED] The
1966 L-100 comes in. We pick up 17 loads worth of guns,
1967 ammunition, grenades and stuff like that--

1968 . Q Did you say that?

1969 . A Yes, I did. I went on to say I made sure the cargo
1970 was packed suitably for air drop.

1971 . Q May I interrupt for a second. Did you tell them
1972 [REDACTED] instructions to you in terms of loading it
1973 up?

1974 . A Through my briefing later on I mentioned [REDACTED]
1975 [REDACTED] name. I tell them we go to [REDACTED] I tell them
1976 about the installation of the roller system and stuff like
1977 that, that I was unhappy with having to jury rig the
1978 situation, but I also told them that as a crew member I felt
1979 much safer on a Southern Air L-100 that had four engines on
1980 it and complete navigation equipment flown by two good
1981 pilots.

1982 . Q Did they respond while you were telling them this?

1983 . A There were nods and things like this but, no, I was
1984 never really asked any questions.

1985 . Q Continue. What else did you tell them?

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 82

1986 . A I told them about the evening, the first evening
1987 that [REDACTED] had come aboard and kind of looked
1988 around, kind of given his basic approval and that we had
1989 taken off, that we couldn't find the drop zone that night,
1990 that I thought that night vision equipment and possibly a
1991 beacon on the ground could be purchased to facilitate
1992 finding the drop zone, and I went on to say the next night
1993 we took off and flew about the same mission and deposited
1994 the cargo, in my opinion, on target, and I asked them at
1995 that point had they heard whether or not the cargo actually
1996 was delivered intact. Somebody there, and I don't remember
1997 who, kind of nodded everything was okay.

1998 . At that point Oliver North--well, one of the principals
1999 I've later identified through photographs as Oliver North,
2000 he kind of--he said, "Well, thank God we got away with it,"
2001 and he was referring to using the Southern Air Bird with
2002 tail numbers on it and everything.

2003 . Q You say you later identified him as Oliver North
2004 from photographs. What photographs did you see that you
2005 were able to recognize--

2006 . A It was on the television and newspaper.

2007 . Q And you recognized that individual as Oliver North?

2008 . A Yes, I did.

2009 . Q Did you ever at any time through looking at
2010 photographs, the news media, either on television or in the

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 83

2011 newspaper, recognize any of the other individuals?

2012 . A I recognized Secord, Richard Secord, as the second

2013 principal.

2014 . Q Did Richard Secord say anything to you during that

2015 briefing?

2016 . A He didn't say anything to me. He and Gadd had

2017 quite a bit of conversation aboard the aircraft.

2018 . Q And did Oliver North say anything other than the

2019 comment you just quoted and the nodding you had referred to?

2020 . A No.

2021 . Q Were you able to ever recognize to your

2022 satisfaction the third individual?

2023 . A No, I have not.

2024 . Q You have never seen any photograph that would allow

2025 you to recognize him, that you felt sure was--

2026 . A I do not feel that my memory on the third

2027 individual is clear enough to identify him.

2028 . Q And how clear are you in your feeling that the

2029 persons, the two other people you were able to recognize

2030 were Oliver North and Richard Secord?

2031 . A I'm positively 100 percent sure it was Oliver

2032 North, and I'm equally sure on Richard Secord.

2033 . Q Why is that?

2034 . A I remember--

2035 . Q Let me ask you this. The first time, did there

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 84

2036 come a point in time when you saw Oliver North's picture? I
2037 believe you testified you saw it on the TV.

2038 . A Yes.

2039 . Q When you saw it on the TV, what was your reaction
2040 the first time you saw it after this?

2041 . A That's the guy I was on the plane with and briefed,
2042 and that's when it became clear to me this operation went as
2043 high as the White House, and I was extremely disappointed
2044 that I had been part of a slipshod operation that had been
2045 somewhat directed by somebody in the White House.

2046 . Q And do you recall when it was that you saw Oliver
2047 North on TV?

2048 . A The first week in November.

2049 . Q Around that period of time?

2050 . A Yes.

2051 . Q Was it around that period of time that you saw
2052 Richard Secord?

2053 . A It was a week or two weeks later I saw Secord on
2054 TV.

2055 . Q And it is only that time you made that connection?

2056 . A Yes.

2057 . MR. PARRY: Can you describe at all this third
2058 individual that you don't know who he is?

2059 . THE WITNESS: My memory on him is vague. He was
2060 sitting in the part of the aircraft obscured to my vision,

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 85

2061 and I'm reluctant to describe him.

2062 BY MR. ADDINGTON:

2063 Q How tall are you?

2064 A Five eleven and a half.

2065 Q Was this person taller or shorter than you?

2066 A Since I was sitting most of the time, my memory is

2067 not good on that.

2068 Q You can't tell how tall he probably was, tall or

2069 short? Can you generally describe him?

2070 A If you want me to do this, I'll go ahead.

2071 Q If you don't remember, say you don't remember.

2072 Do you remember if this person wore glasses?

2073 A In my memory, he wore glasses. He was balding. He

2074 was probably about five eight, five nine maybe, not fifty,

2075 but like 180 pounds or something.

2076 Q Did you ever hear him speak out loud?

2077 A Yes.

2078 Q Was his voice high, low?

2079 A I don't remember. He kind of muttered a lot and

2080 didn't say a lot.

2081 Q Do you remember his hair color?

2082 A It was dark hair.

2083 MR. PARRY: Did he appear to you to be American?

2084 THE WITNESS: Yes.

2085 BY MR. ADDINGTON:

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 86

2086 . Q Did you ever hear either of the two speaking to him
2087 that would indicate a Nicaraguan or any kind of reference,
2088 anything at all?

2089 . A With the aircraft noise, I could only hear the
2090 people I was sitting close to. This person was out of my
2091 vision most of the time.

2092 . Q Was there anyone else you know seated in the area
2093 with those three principals or who had more contact with him
2094 than you did during the flights?

2095 . A No. Although I would assume that the two mechanics
2096 who flew with us on the first part of the flight would be
2097 able to substantiate who these other three people are.
2098 Their memories should be about as good as mine.

2099 . BY MR. BALLEW:

2100 . Q Let me ask you this. Did you ever at any point in
2101 time see photographs in the news media that you recognized
2102 as possibly being this third individual, if you are willing
2103 to--

2104 . A Yes.

2105 . Q You are not sure of who it is?

2106 . A Let me make a statement if you would. I know for a
2107 fact that I am a hundred percent sure on Oliver North and
2108 Secord. I'm a person who states things as facts, and if I
2109 don't know, I don't want to state it. It is a conclusion.
2110 I am probably 50, 60 percent sure of my recollection on this

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 87

2111 | third person, which in my mind is not good enough to state.
2112 | . MR. BROWN: Can we go off the record?
2113 | . MR. BALLEW: Yes.
2114 | . [Recess.]

UNCLASSIFIED

NAME: HIR072002

PAGE 88

UNCLASSIFIED

2115 RPTS DOTSON

2116 DCMN LYNN

2117 . MR. BALLEEN: Back on the record.

2118 . BY MR. BALLEEN:

2119 . Q Do you have a feeling, even though you have said
2120 you are unsure of it from the news media, who this person
2121 might have been?

2122 . A Yes. I think there is a 50 or 60 percent chance
2123 that it was Poindexter, although my memory is a bit vague on
2124 that.

2125 . Q So you are not sure it was Poindexter by any means?

2126 . A Right.

2127 . Q And this is just a guess made on your part based on
2128 photographs you have seen in the news media? Would that be
2129 an accurate way of describing it?

2130 . A Yes.

2131 . Q After you returned to the United States, when was
2132 the next time that you went back to Central America on your
2133 work?

2134 . MR. BROWN: Can we go off the record again?

2135 . MR. BALLEEN: Yes.

2136 . [Off the record.]

2137 . BY MR. BALLEEN:

2138 . Q Did there come a point in time you returned to
2139 Central America--sir, did there come a time when you went

UNCLASSIFIED

*Why deletions?***UNCLASSIFIED**

NAME: HIR072002

PAGE 89

2140 back to Central America on instructions by Richard Gadd or
2141 John Cupp? Who contacted you?
2142 . A I was at my home and John Cupp called, and told me
2143 that--and he wanted me to pay for a plane ticket. I told him
2144 I wouldn't or couldn't do that. They told me to go to the
2145 airport and they would have a prepaid ticket there.
2146 . Q Did you go to the airport, sir?
2147 . A I went to the Fayetteville Airport. I flew from
2148 Fayetteville to Miami, from Miami to [REDACTED]
2149 . Q What happened after you arrived in [REDACTED]
2150 What date was this approximately?
2151 . A This was like the 6th of May. Ramon and a driver
2152 named Alfredo were there at the [REDACTED] commercial
2153 airport and they ushered me through Customs. We flew in a
2154 helicopter back to [REDACTED] from [REDACTED] got in a car and
2155 stayed at the safe house. I stayed at the safe house for
2156 like a week and acted as a radio operator.
2157 . Q What were you doing as a radio operator?
2158 . A Keeping communications open between the [REDACTED]
2159 flight strip, the safe house and trying to attempt
2160 communications with Washington, D.C., with Dick Gadd's
2161 office in D.C.
2162 . Q Did you have any communication with Dick Gadd's
2163 office?
2164 . A During this period of time, [REDACTED] was

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR07200

PAGE 90

2165 traveling around setting up stuff, and I had good
 2166 communications with him while he was at [REDACTED] and I
 2167 don't know whether this is the period of time when he moved
 2168 to Washington, D.C. and I had communications with him then
 2169 or not. There were only two or three times we did establish
 2170 communications and it was--

2171 . Q What kind of instructions was he communicating or
 2172 relaying information to you or communicating?

2173 . A I was relating most of the time to the [REDACTED]
 2174 strip, tomorrow we will have a Maule come down and pick you
 2175 up, [REDACTED] and you will get back to America and stuff like
 2176 this. It wasn't operational information really. It was
 2177 more crew scheduling and we need more fuel and stuff like
 2178 this.

2179 . Q Who was giving you these instructions?

2180 . A [REDACTED]

2181 . Q Sir, did there come a point in time when you
 2182 participated in any more air drops?

2183 . A Yes. We took the C-7-A Caribou back to [REDACTED]
 2184 and we worked there at [REDACTED] the 12th through the 15th of
 2185 May, and we, according to my trip report and such, I have it
 2186 down there as delivering 45,000 pounds of cargo.

2187 . Q Where did you drop this cargo?

2188 . A Around [REDACTED] drop zone.

2189 . Q What kind of cargo was it?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 91

2190 . A Again, it was a mixture of rice and beans and also
2191 AK-47 ammunition and stuff like that. I don't mean to be
2192 redundant. I see AK-47 ammunition, but it was always
2193 present.

2194 . Q Were there AK-47 rifles, other kinds of armaments
2195 or simply limited to ammunition at this time?

2196 . A We had large cardboard boxes that were made
2197 expressly to put RPGs in and these boxes were very large and
2198 they would put anything in those boxes; and if I wasn't
2199 there in the warehouse seeing what was put in there, I don't
2200 know what was there.

2201 . Q During these flights, did you observe any other
2202 armament other than the AK-47 ammunition?

2203 . A No.

2204 . Q During this time period, how many flights did you
2205 make?

2206 . A I don't have a record of it.

2207 . Q You said 47,000 pounds.

2208 . A And that's probably--

2209 . Q Over what time period was that?

2210 . A That's the 12th through the 15th of May, and we
2211 pulled like four to seven missions each day during that
2212 week.

2213 . Q After the 15th of May, what did you do?

2214 . A Went back to [REDACTED] safe house, worked as a

UNCLASSIFIED

UNCLASSIFIED

NAME: M1R072002

PAGE 92

2215 radio operator. Around the 22nd, well, the 20th to 22nd is
 2216 when a man came in. He was introduced as Robert Dutton. He
 2217 was kind of--we were told he was going to take over and
 2218 charge. We didn't know whether he was going to take over
 2219 and charge in Central America or over the whole operation.

2220 Q Who told you that?

2221 A [REDACTED] and Cooper, William Cooper.

2222 Q And what happened, sir?

2223 A During this period of time we flew Dutton to

2224 [REDACTED] showed him the farm. I boarded the plane to take
 2225 him down [REDACTED] They decided it would be better if

2226 I stayed at the safe house and operated the radio in case
 2227 anything happened on the way down [REDACTED] and we

2228 would have radio contact. Dutton wanted to be in

2229 communications at all times. During this period of time is

2230 when William Cooper would hand carry Dutton around to all

2231 the safe houses, showing him the living quarters, showing

2232 him the warehouse, showing him each of the bases.

2233 MR. PARRY: You say [REDACTED] which--

2234 THE WITNESS: I'm sorry, the farm is what we
 2235 referred to [REDACTED] as.

2236 BY MR. BALLEW:

2237 Q Was there any discussion with Dutton during this
 2238 time?

2239 A Yes. Dutton came up to me as a radio operator and

11 letters

7 letters

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 93

2240 said, "What type of code are you using?" I showed him the
2241 code cards I've shown you. He said, "How often are you
2242 going to change these?" I said, "I invented them on my
2243 own and you are paying for radio operators. Why don't you
2244 have radio operators do this stuff. I'll be glad to, but if
2245 you want them changed, just tell me."

2246 Q The code cards you are referring to have been pre-
2247 marked as Exhibit No. 2. These are copies of the cards that
2248 you showed to Robert Dutton?

2249 A That's correct.

2250 Q These are the cards you prepared the previous time?

2251 A Yes. I made five sets of the cards up.

2252 Q Looking at both sides of the Xerox copy that is
2253 marked as Exhibit No. 2--

2254 A These are a true and accurate copy of those code
2255 cards.

2256 Q Did you, in fact, not make that from an original
2257 you have retained?

2258 A Yes, I did.

2259 Q Sir, was there any conversation with Dutton and the
2260 crew over dissatisfaction with the conditions down there?

2261 A The 22nd of May in the evening, we assembled the
2262 whole crew together in safe house number three, which is the
2263 one that has been displayed on the news media. It has got a
2264 garage underneath, white stucco archways. It is the house

UNCLASSIFIED

UNCLASSIFIED

NAME: HIRO72002

PAGE 94

2265 William Cooper stayed in all the time. He summoned the crew
 2266 together. Dutton comes in and says, "Well, I'm Robert
 2267 Dutton. I'm going to take over operational control of this
 2268 outfit or mission, and Dick Gadd will only be in charge of
 2269 logistical support from now on. I want you all to know I'm
 2270 not a 'newbie' to this type of operation, that I have been
 2271 managing gray operations for years."

2272 He went on to say that he had helped plan the Desert I
 2273 Operation and things like this were his line of work and cup
 2274 of tea.

2275 Q In fact, you were on the Desert I Operation, isn't
 2276 that true?

2277 A Yes, and to some extent I was, I guess I was
 2278 insulted that this guy was going ahead and tooting his own
 2279 horn about this stuff. And it was clear to all of us in the
 2280 meeting that he was tooting his horn, he was pissing us off,
 2281 and he wasn't going to be any better of a manager than we
 2282 had seen before.

2283 Q Just for the record, the Desert I Operation was the
 2284 attempt to rescue the hostages in Iran?

2285 A Yes.

2286 Q What year was that, sir? When did that occur?

2287 A 1980. I forget.

2288 Q You forget. Okay.

2289 MR. ADDINGTON: Either '79 or '80.

UNCLASSIFIED

NAME: HIRO72002

UNCLASSIFIED

PAGE 95

2290 . THE WITNESS: It went down in '79. It was a year
2291 later we tried.

2292 . BY MR. BALLEM:

2293 . Q So there was this conversation, this talk given by
2294 Dutton to the crew.

2295 . A He goes on to say that the principals of the
2296 operation have been upset we haven't been working more
2297 efficiently, and he knows that might not be directly related
2298 to us, but that now that he was on board he is going to
2299 manage us better, we are going to get a better image and we
2300 are going to get better equipment down there and bring all
2301 our problems to Cooper and that Cooper would be walking to
2302 him.

2303 . Q Did Dutton say who these principals were?

2304 . A No.

2305 . MR. BROWN: Can we go off the record a second.
2306 . [Off the record.]

2307 . MR. BALLEM: Let's go back on the record.

2308 . BY MR. BALLEM:

2309 . Q Dutton had stated he was taking over operational
2310 command control from Gadd?

2311 . A Yes.

2312 . Q During this meeting you have just described, he was
2313 talking to the crew in essence?

2314 . A Right.

UNCLASSIFIED

NAME: HIR072002

PAGE 96

UNCLASSIFIED

2315 . Q And did you have any conversations--had you gone to
2316 an air strip in Costa Rica?

2317 . A Yes. I had helped fly fuel jumps to stock the
2318 Costa Rican air strip with fuels that we could fly down
2319 there and refuel our plane and fly back.

2320 . Q Do you recall when this was approximately? If you
2321 don't--

2322 . A I don't really remember.

2323 . Q Was it sometime during this period of the spring of
2324 1986?

2325 . A Oh, yes. It was during the month of May.

2326 . Q Did you have any conversation with Dutton about
2327 this air strip?

2328 . A Yes.

2329 . Q When did that occur?

2330 . A In the first day or two that Dutton was there. I
2331 believe it was when he was going through our safe house. I
2332 was the only one there. I was operating the radio. Dick
2333 Gadd and John Cupp had always told me we were going to be
2334 based out of the Costa Rican strip and that was going to be
2335 our main camp, that's why they were building a barracks
2336 there and stuff like this. This was going to be our main
2337 area. When Dutton was at the house and we were talking
2338 about like the next day we were going to fly into Costa
2339 Rica, I questioned him, do you think we are going to move

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 97

2340 down there and all that type stuff. The base here at
2341 [REDACTED] with the extra maintenance we could get from [REDACTED]
2342 [REDACTED] don't you think this is a better place to stay?
2343 At this point he said something about how the political
2344 aspect of Costa Rica had been changed--was slowly changing or
2345 was in a sensitive area, and that he didn't know where we
2346 were really going to be having our main base.
2347 Q Did there come a time you flew back to the United
2348 States with Dutton?
2349 A After Dutton's meeting, the next day I was supposed
2350 to go back to the United States, and I was taken to the
2351 airport by one of the drivers, got my ticket, went up to the
2352 lounge and sat down, and I was sitting there with my
2353 computer typing out a trip report, and I observed Robert
2354 Dutton and Rafael walk in about the same plane. They
2355 either didn't recognize me or they didn't want to
2356 acknowledge my presence right off. I didn't say anything.
2357 I sat there for about half an hour. The plane was delayed.
2358 I got up and I started to walk out. They got up, they
2359 started walking out. We met in the hallway, said hello to
2360 each other. Dutton asked me something about how I liked
2361 working on this operation. I said to him, well, I thought
2362 it was pretty good although it definitely had its lulls and
2363 I thought that instead of hiring just specialized people
2364 that we could get a bunch of people cross trained in a lot

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 98

2365 of different areas. I was a parachute rigger and I acted as
 2366 a radio operator, and I was telling him I was seeing people
 2367 just sitting around during the day and not doing anything
 2368 because they were too specialized.

2369 Q How did Dutton respond to that?

2370 A He just nodded his head and changed the subject,
 2371 and then he and Rafael went and sat down by themselves.

2372 Q Did Dutton--other than saying he operated a lot of
 2373 gray operations before, including Desert I, did he
 2374 acknowledge any identification with the United States and
 2375 the military?

2376 A He said he was a military officer.

2377 Q Did Gadd ever identify himself as having a
 2378 connection with the military?

2379 A Early in January he told me he was a retired Air
 2380 Force officer and he had helped in the Desert I planning,
 2381 and he had on his walls a collage of cuttings and clippings
 2382 from Desert I, which in my mind helped back up he had helped
 2383 plan.

2384 Q How about [REDACTED] was he in uniform?

2385 A Each time--most of the time when I met [REDACTED]

2386 [REDACTED] he was in a set of camouflage fatigues.

2387 Q Did he ever wear anything else that helped you
 2388 identify his rank [REDACTED]

2389 A No.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 99

2390 . Q Did he identify himself as [REDACTED] Did he
2391 give his rank?
2392 . A Yes.
2393 . MR. BROWN: Can we go off the record a second.
2394 . [Off the record.]
2395 . MR. BALLEM: Back on the record.
2396 . BY MR. BALLEM:
2397 . Q Did you see any insignia on his fatigues, referring
2398 to [REDACTED]?
2399 . A Yes.
2400 [REDACTED]
2401 [REDACTED]
2402 [REDACTED]
2403 . Q Sir, when you were down in Central America, did you
2404 at any time observe a TRW machine?
2405 . A I observed several TRW lab computers, yes.
2406 . Q Could you explain the circumstances of that and
2407 what you understood these things to be?
2408 . A The first time I saw one, it was in Dick Gadd's
2409 office, and I didn't really think anything about it. I have
2410 a Radio Shack computer. I didn't think anything about it.
2411 When I went down to Central America on my first trip, I saw
2412 ~~Man Gomez with his, the same computer, with little ear cups~~
2413 ~~to go on the telephone.~~ He was typing a message and saying
2414 this is the way they transferred their sensitive information

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 100

2415 over the telephone. I later--all the computers I saw
2416 were--Dick Gadd had one, Max Gomez had one, Rafael had one,
2417 [REDACTED] had one to begin with, I was told, and later it
2418 was transferred to Cooper and I saw Cooper with it.
2419 . Q Were these used as encryption devices or do you not
2420 know?
2421 . A I don't know for a fact. I was led to believe that
2422 they were used to transfer files in somewhat of a coded
2423 manner. What type of coding, I do not know. I was not
2424 told.
2425 . Q Did Dutton have any association with these
2426 machines?
2427 . A When Dutton was going around he was always with
2428 Rafael, and Rafael would have his. I never did see Dutton
2429 with one.
2430 . Q After you flew back in late May to the United
2431 States, did you ever go to Central America again?
2432 . A No.
2433 . Q Subsequent to that occasion, did you obtain
2434 additional equipment and supplies?
2435 . A Yes, I did.
2436 . Q Including parachutes for Dick Gadd?
2437 . A Yes, I did.
2438 . Q Did those dealings follow the kind of dealings you
2439 had previously in the year, in early 1986?

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 101

2440 . A Yes, the identical style or ordering. John Cupp or
2441 Dick Gadd would call me and give me a basic list of what
2442 they wanted, and I would tell them in a day or two I would
2443 get back and tell them how long it would take and the price.
2444 . Q Did you ever ask why you weren't being sent back to
2445 Central America or not?
2446 . A I have neglected to tell you a thing--let me go
2447 through. Dick Gadd had asked me to, in my trips to Central
2448 America, investigate a warehouse, how much the labor was and
2449 this, that he would fly a Southern Air bird to Fayetteville,
2450 pick up all my sewing machines and move my company to
2451 Central America and we would produce the parachutes cheap
2452 enough to satisfy somebody in the State Department who said
2453 that a parachute of this type should only cost \$60. So like
2454 in my May trip I was writing somewhat of a feasibility study
2455 and investigating moving down there. I was shocked to find
2456 out [REDACTED] had a social security system
2457 and I would have to pay social security on the employees
2458 down there. I was also figuring you had to hire one or two
2459 security guards to protect your factory and all this, and I
2460 was considering it. It didn't make any sense to me. When I
2461 was in Fayetteville I talked to my lawyer and said, "Hey,
2462 what is this guy trying to do to me? He is asking me to
2463 send my company to Central America. He is not telling me he
2464 is going to give me \$100,000. How do I treat somebody like

UNCLASSIFIED

UNCLASSIFIED

NAME: N1R072002

PAGE 102

2465 this?" He said, "Well, you better treat him cagily. Be
2466 careful." So this is the reason I was on the corporate jet
2467 to go back with these three people, because Dick--
2468 . Q This was in late May. You are talking about the
2469 jet with Dutton, Rafael?
2470 . A Yes. Dick--
2471 . MR. BROWN: April.
2472 . THE WITNESS: Late April, yes. It was the only
2473 time I was on that corporate jet.
2474 . MR. PARRY: Back with Secord and North.
2475 . MR. BALLEM: In late April.
2476 . MR. PARRY: Yes.
2477 . THE WITNESS: Correct, late April. Correct.
2478 . MR. BALLEM: Okay.
2479 . THE WITNESS: This was kind of like the height of
2480 the time I was supposed to be considering moving my company
2481 down there. I took it as Dick was stroking me, giving me
2482 the free bennies and such.
2483 I came back. I told them, no, I wouldn't move down there.
2484 I had designed a special parachute to be made as cheap as
2485 possible for this operation. I made a sample there. It was
2486 like the first week in June or so. I made it in my shop. I
2487 was expecting to go back down to Central America. Dick
2488 said, "You bring your parachute up here, let me look at it,
2489 and I've got a few things to discuss with you." I go back

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 103

2490 up to his office and about the first thing he tells me is,
 2491 "Iain, I don't know who it is in the operation, I don't
 2492 know whether it is Cooper, Dutton or who, but somebody
 2493 decided they no longer need your services down there, you
 2494 will be used in procurement just up here." I said,
 2495 "What's wrong? Why am I not going to be allowed to go back
 2496 down there?"

2497 He said, "Well, they have described you as being a bit
 2498 flipmatic." I didn't know what he meant at the time. I
 2499 figured he was trying to go over my head so he wouldn't have
 2500 to explain. I said--I remember saying to him, "At times I
 2501 might be a bit flamboyant, but what do you mean, what's
 2502 going on?" He didn't want to expand upon it. He wanted to
 2503 talk about the parachute.

2504 BY MR. BALLEM:

2505 Q Back on the flight in April with North and Secord,
 2506 did you hear any discussion between the two of them about
 2507 Air America?

2508 A Yes.

2509 Q Could you describe that to us?

2510 A Sitting there overhearing the conversation, I heard
 2511 Gadd and Secord talk, and they kept nodding or--the third
 2512 individual I can't identify was also in the conversation,
 2513 although he didn't say that much or I couldn't hear that
 2514 much. Secord was always talking about back in Laos we used

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 104

2515 | to use about the same type of aircraft for these types of
2516 | missions and this type of talk. There was some talk about
2517 | how Cooper was an old pilot and Secord had either known him
2518 | or known of his name back in Vietnam.

2519 | . MR. BALLEEN: Can we go off the record a second.
2520 | . [Off the record.]

2521 | . MR. BALLEEN: Back on the record.

2522 | . BY MR. BALLEEN:

2523 | . Q It was the first trip back in late April you had
2524 | had discussions prior to that trip with Dick Gadd about
2525 | moving your operation down to Central America?

2526 | . A Yes. I was supposed to just look around, and in
2527 | April was the first time I had talked to him about moving it
2528 | down.

2529 | . Q After you came back in late May to the United
2530 | States, it was at that time, after that time that you had
2531 | informed Gadd that you were not willing to do that?

2532 | . A Correct.

2533 | . Q And it wasn't until then that you informed him?

2534 | . A Correct.

2535 | . MR. PARRY: I would like to go back and ask some
2536 | questions you probably know the answer to.

2537 | . MR. BALLEEN: Off the record just a second.

2538 | . [Discussion off the record.]

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 105

2539 RPTS STEIN

2540 DCMN DANIELS

2541 . MR. ADDINGTON: Back on the record.

2542 . MR. PARRY: I would like to put on the record that
2543 I am with the National Select Committee, that Mr. Crawford
2544 has been subpoenaed by the Senate, is scheduled to appear on
2545 Monday, and that this appearance at this time satisfies that
2546 subpoena.

2547 . We will not require his appearance--we will not
2548 required his appearance pursuant to the subpoena that is
2549 presently in effect.

2550 . I can't make representations that we won't need to
2551 talk to you in the future, but your current obligations are
2552 satisfied.

2553 . THE WITNESS: I will stay in contact and do
2554 anything that is required.

2555 . BY MR. PARRY:

2556 . Q I would like to ask you a few questions about the
2557 finances. What were you paid--what was the salary
2558 arrangement?

2559 . A I was told \$150 a day plus there were some
2560 incidental things. I think there was a bear ration of \$6.00
2561 a day that we were authorized. We were told that we would
2562 be reimbursed for travel expenses.

2563 . Q Was that standard for most of the crew or were

UNCLASSIFIED

UNCLASSIFIED

NAME: MRO72002

PAGE 106

2564 there differences in the pay scale?

2565 A I understood that everybody started at \$150, but
2566 people like [REDACTED] and [REDACTED] in [REDACTED] were
2567 being paid \$225 a day.

2568 Q From East or from Gadd? Were they all paid by the
2569 same entities?

2570 A We started off with American National Management
2571 Corporation, or East, and I believe that everybody was
2572 transferred, as far as pay, to Corporate Air.

2573 Q This \$150 a day, was that significantly better than
2574 you were doing with your business?

2575 A \$150 a day was an appealing price. I didn't think
2576 that it was--I didn't think it was a high pay for the type of
2577 job that we were actually doing and the conditions we were
2578 living in and I think it was reasonable, all the crew was
2579 asking for more money.

2580 Q Were you also doing it with the hopes that it would
2581 lead to more involvement of your company--you mentioned the
2582 possibility of moving it to [REDACTED] Was that something
2583 that was one of your motives for staying with the outfit for
2584 a while?

2585 A It was definitely one of my considerations, yes.

2586 Q That was a subject of negotiation from the
2587 beginning, I take it, that you might be asked to move your
2588 company down there.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 107

2589 . A Well, the beginning was in January and the first
2590 hint that I ever had of moving my company down was in April.
2591 . Q So you originally agreed to go with them without
2592 any talk of perhaps setting up your own company?
2593 . A Correct.
2594 . When it was first brought up, I thought it was a
2595 rather strange move and only considered it because Dick
2596 Gadd, who in my opinion was smarter and wealthier than I
2597 was, that if he was going to suggest this, it was something
2598 that I should consider.
2599 . Q When you made your first trip to [REDACTED] from New
2600 Orleans, did you observe the plane in New Orleans being
2601 loaded?
2602 . A No, I did not.
2603 . Q Did you know where the supplies were coming from
2604 that were loaded on the plane?
2605 . A No. I had been told by [REDACTED] that a man in
2606 New Orleans by the name of Mario was the man who coordinated
2607 the cargo.
2608 . Q Did you ever see Mario?
2609 . A No.
2610 . Q They didn't give you a last name?
2611 . A No.
2612 . Q Did you subsequently learn who that Mario might
2613 have been?

UNCLASSIFIED

NAME: HIR072002

PAGE 108

UNCLASSIFIED

2614 . A No.

2615 . Q This Mario, would he have been responsible for

2616 loading the lethal aid as well as the humanitarian aid or do

2617 you have any way of knowing that?

2618 . A I don't have any real way of knowing. What I saw

2619 led me to the conclusion that only humanitarian aid came

2620 from the continental United States. While I was in [REDACTED]

2621 [REDACTED] there were two or three trips of a Southern Air

2622 707 flight that we were told came in from Europe and it was

2623 only told to us that it came in from Europe, I helped unload

2624 one, it had the Heckler and Cock G-3 rifles on it, and a

2625 large amount of ammunition, plastic explosives, detonation

2626 cord and grenades.

2627 . Q So to your knowledge, the flights coming from the

2628 United States did not carry arms or ammunition?

2629 . A That was my opinion.

2630 . Q The flights that brought in the ammunition--can you

2631 identify by the dates and perhaps the markings on the

2632 aircraft--can you identify those flights?

2633 . A I remember that they were 707's, that they had

2634 Southern Air painted on the outside, Southern Air Transport-

2635 owned. I did not take down the tail numbers of those

2636 aircraft.

2637 . There was one--there was a flight in April, either

2638 on the 14th or 15th that arrived, and then I am not too sure

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 109

2639 when the ones in May were. There were probably two in May.
2640 Q Did you get a chance to personally view the cargo
2641 that was on the planes?
2642 A On one flight, I did; on one, I know [REDACTED]
2643 [REDACTED] viewed what was going on.
2644 Q What did you see?
2645 A The G-3 rifles and what I just listed.
2646 MR. BROWN: This would have been where? [REDACTED]
2647 THE WITNESS: Yes, and we loaded the stuff into the
2648 butler building warehouse.
2649 BY MR. PARRY:
2650 Q So it would come directly from Europe to [REDACTED]
2651 A Correct.
2652 MR. BROWN: At least as far as you know, what you
2653 have been told?
2654 THE WITNESS: Yes.
2655 MR. BROWN: Who told you that the 707 flights had
2656 come from Europe?
2657 THE WITNESS: Max Gomez.
2658 BY MR. PARRY:
2659 Q Now, the Southern Air flights that would deliver
2660 either humanitarian aid or ammunition, did you ever hear or
2661 observe that they left with other supplies? Did they pick
2662 up supplies in either [REDACTED] for return to the
2663 United States?

UNCLASSIFIED

NAME: N1R072002

UNCLASSIFIED

PAGE 110

2664 . A The only time that I know stuff went back to the
2665 United States is, I think they had a large amount of
2666 fatigues that they had bought. They were more than seconds.
2667 They were a bad purchase and that they were shipping them
2668 back to the States to get a refund. But other than that,
2669 from what I observed, all the flights back to America were
2670 empty.

2671 . Q Did anyone ever suggest that drugs were being taken
2672 back to the United States?

2673 . A In my first trip down there in April, I remember
2674 being at [REDACTED] and a plane coming in and having like in a
2675 Miami Herald, I believe that was the newspaper. There was
2676 an article about how the contras were shipping drugs. We
2677 discussed this and were appalled by it and thought this was
2678 a sure campaign going on against an anti-communist revolt.

2679 We had no indications whatsoever around [REDACTED] or
2680 [REDACTED] that there were any drugs to be had anywhere.

2681 . Q So nothing was suggested to that effect?

2682 . A I have no knowledge. I have heard so much in the
2683 media and what I wanted to say is I don't want to be told
2684 that I am wrong later, but this is the circumstances which I
2685 observed.

2686 . Q A last area of questioning is the Costa Rican drop
2687 zone or airstrip. Do you have any knowledge as to who owned
2688 the property that the airstrip was built on?

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 111

2689 . A No, I have no knowledge of the ownership of the
 2690 property.
 2691 . Q Do you know--can you give me the names of people
 2692 involved at the Costa Rican site?
 2693 . A Maybe what I should do is start and try to tell you
 2694 all of what I know about the Costa Rican strip.
 2695 . Early in January, I was told by Dick and then and
 2696 showed a satellite photo of the area where they were
 2697 building the airstrip. They said this is where I would be
 2698 based out of, they were going to build barracks. I know
 2699 that [REDACTED] the person I served [REDACTED] with, went
 2700 down to supervise as the on-site manager of the
 2701 construction.
 2702 . He was supposed to hire the construction crews and
 2703 sign contracts and be the station chief.
 2704 . MR. BROWN: What are the names of the individuals
 2705 again? (12)
 2706 . THE WITNESS: [REDACTED] was there. Later on,
 2707 [REDACTED] went there. We were in the Army together,
 2708 again; he was a medic. I know that [REDACTED] and [REDACTED]
 2709 ran that operation while they were there.
 2710 . [REDACTED] also went there and has more
 2711 knowledge of that strip than I do. I know that at one point
 2712 Raphael was flown down in a Paula aircraft and I believe
 2713 what happened was he met with [REDACTED] told them

(5) + (1) + (6)
 6 + 1 + (9)

5

(6)

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 112

2714 [REDACTED]
2715 to get into their motel rooms and stay there and not to let
2716 [REDACTED] off the airstrip. [REDACTED] was to stay there and
2717 not to come into town.
2718 . They were supposed to stay in their motel rooms to
2719 present any sort of press leakage.
2720 . BY MR. PARRY:
2721 . Q This was in Costa Rica?
2722 . A Yes.
2723 . Q It was near a town?
2724 . A Four hours away.
2725 . Q Do you know what town that was?
2726 . A I don't know. [REDACTED] would know.
2727 . MR. BROWN: Do you have dates when this took place?
2728 . THE WITNESS: The beginning of May.
2729 . BY MR. PARRY:
2730 . Q Anything else?
2731 . A No. That is about all I know about the Costa Rican
2732 strip.
2733 . Q Okay.
2734 . BY MR. ADDINGTON:
2735 . Q I wanted to go through Exhibit No. 2 in a little
2736 more detail.
2737 . On the first side of this, the one where the top of
2738 the exhibit is your picture card ID, who issued that ID?

UNCLASSIFIED

NAME: HIRO72002

PAGE 113

UNCLASSIFIED

2739 . A Man [redacted] placed a phone call from his room to the
2740 ID card facility, told them that Ramon would bring me.
2741 Ramon drove me to the ID card facility and I was issued the
2742 card. It is nicknamed the "'Walk on Water'" card. We were
2743 told while in [redacted] if you got in trouble, to show
2744 that card, which would mean to them that you were kind of
2745 the best buddy or agent of [redacted] and that the
2746 local populace was scared of these cards and they would take
2747 you anywhere you wanted.

2748 . Q This was issued by [redacted]
2749 . A Yes.

2750 . MR. BROWN: If we could go off the record for a
2751 moment.

2752 . [Discussion off the record.]

2753 . BY MR. ADDINGTON:

2754 . Q On the same side there of this Exhibit No. 2, it
2755 has your picture card. Down in the lower right-hand corner,
2756 there is a card, the first line of which says "'farm,'" the
2757 second column, "'farm base.'"

2758 . What is the farm that is also called farm base?
2759 . A That is [redacted]
2760 . Q Plantation is called plant base?
2761 . A Yes, and that is the Costa Rican strip. Shall I
2762 read it?
2763 . Q Yes.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 114

2764 . A House No. 1 was called Charlie 1. That was the
2765 house where I resided not too far from [REDACTED]
2766 . Q Was that the Safe House No. 1 you talked about
2767 earlier?
2768 . A Yes.
2769 . House No. 2 was the house where eventually the
2770 Rhodesians or the South Africans were residing. It was
2771 known as Charlie 2.
2772 . Q Do you have any idea where that is or can you tell
2773 us in some general way?
2774 . A It is down the hill from both the other safe
2775 houses. Max's quarters or Max's room was known as Condor
2776 base.
2777 [REDACTED]
2778 [REDACTED]
2779 . The next line is warehouse or whiskey 1. That was
2780 the butler building where we stored equipment and supplies
2781 at [REDACTED]
2782 . The next line is Washington, D.C., and its name was
2783 top floor.
2784 . Q Did you just use that to refer to D.C.
2785 geographically or to somebody in charge?
2786 . A Geographically, and the principals in D.C.
2787 [REDACTED] is [REDACTED] known as the Chicken
2788 Fighter; Iain Crawford, Rojo; [REDACTED] Bushmaster.

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 115

2789 I believe [REDACTED] is [REDACTED] who was known as Blue.
2790 [REDACTED] was known as Farmer. [REDACTED]
2791 Q Who was [REDACTED]?
2792 A I don't know his last name. He was a C-123 flight
2793 engineer and mechanic.
2794 [REDACTED] is [REDACTED] known as White Top. He was a
2795 Caribou mechanic.
2796 There was another [REDACTED] here--that is [REDACTED]
2797 [REDACTED] I believe. He was known as Dude. Dick G. is Dick
2798 Gadd, Delta 1 Gulf. John C. is John Cupp, known as Juliet 1
2799 Charlie. [REDACTED] was known as the Island.
2800 [REDACTED] was known as the fruit stand.
2801 Q Is [REDACTED] an Air Force base in [REDACTED]
2802 A No [REDACTED] is a [REDACTED] Air Force Base. Not
2803 that we ever went there. We were told to stay away from
2804 there and at one point we heard that a 707 of arms had been
2805 confiscated at [REDACTED] so I had to invent a code name to
2806 talk about [REDACTED] on the radio.
2807 [REDACTED] is [REDACTED] He was known as Grizzly.
2808 [REDACTED] is [REDACTED] known as Good Guy.
2809 Q The next card starts with [REDACTED] You
2810 described the items and you refer to them by these fruit
2811 code names?
2812 A Yes.
2813 Q At the bottom of the card is brown, red, black, et

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 116

2814 cetera, and numbers.

2815 . A Those are radio frequencies, so we could say,

2816 "'Change from brown to black.'"

2817 . Q Were these all the frequencies you used, the ones
2818 listed here?

2819 . A No. That was just a general list to get back. We
2820 would change during the day. After establishing contact on
2821 yellow, we might go up 20 or down 20.

2822 . Q What kind of units are these?

2823 . A Megahertz.

2824 . Q On the other side of the card, of the exhibit, you
2825 have got Caribou No. 1. A number of these planes you have
2826 already referred to, but [REDACTED] down there. [REDACTED]

2827 [REDACTED]

2828 [REDACTED]

2829 . A Right.

2830 . Q What was [REDACTED]?

2831 . A [REDACTED] is a somewhat mysterious black-painted
2832 aircraft which sits at [REDACTED] I believe it had been used
2833 several times during January through March for inside
2834 missions. [REDACTED] had told me this.

2835 . At one point I, in my April trip there, I observed
2836 the aircraft being moved. It wasn't on an operational
2837 mission, and this substantiated what [REDACTED] had told
2838 me--whenever this aircraft was used, a crew was flown in on a

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 117

2839 twin-engine plane, there were Americans all dressed the

2840 same [REDACTED]

2841 [REDACTED]

2842 [REDACTED]

2843 [REDACTED]

2844 [REDACTED]

2845 Q So it definitely was your impression that this
2846 that was referred to was not something under Dick Gadd's
2847 control, or your operations control?

2848 A Right.

2849 Q Bill C. and--

2850 A Bill C. is Bill Cooper, known as Sailor [REDACTED]

2851 is [REDACTED] the Seahorse. [REDACTED] is [REDACTED]

2852 known as Momed. Buzz S. is Buzz Sawyer, known as Buzzard.

2853 [REDACTED] is [REDACTED] known as Injun.

2854 Max is Max Gomez; code name Conder. Ramon is Ramon

2855 Medina, known as the Caretaker. Rafael Quintero is known as

2856 the Traveler, and then U.S. Government, Playboy. [REDACTED]

2857 [REDACTED] New Look; [REDACTED]

2858 Timex; [REDACTED] Hammerhill.

2859 Q On the last card here on the same page, that is the
2860 one that you just finished reading. It shows three columns
2861 of numbers, 0630 in the first column. Second, 4.050; the
2862 third column is 1830.

2863 What do these numbers represent?

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 118

2864 . A They are times and frequencies for radio contacts,
2865 6:30 in the morning at 4.05, and then at 6:35, we would try
2866 7.05 megahertz on the third column is your evening schedule
2867 for the same frequencies.

2868 . Q The information you have on all this on Exhibit 2,
2869 the code cards that you made up and the frequencies, were
2870 these generally followed and used during the period you
2871 worked down in Central America?

2872 . A Yes.

2873 . Q I have a couple of questions that jump from various
2874 areas just for details about things we were talking about.

UNCLASSIFIED

NAME: HIRO72002

UNCLASSIFIED

PAGE 119

2875 RPTS DOTSON

2876 DCMM GLASSNAP

2877 [2:30 p.m.]

2878

2879 . BY MR. ADDINGTON:

2880 . Q Did you at any time while you were working in

2881 Central America get any instructions from Dick Gadd or

2882 anybody else in the operation with you about talking to U.S.

2883 Government representatives?

2884 . A I was told by John Cupp and Dick Gadd that if we

2885 are approached by anybody from the media or anybody from the

2886 State Department that these are our enemies, we should not

2887 talk to them. If it is an official thing in Central America

2888 and somebody from the State Department, we should answer

2889 their questions as short as possible and not volunteer the

2890 slightest bit of information.

2891 . Q You referred earlier, we were talking about some of

2892 your flights and so forth to [REDACTED] the warehouse. From

2893 what you saw of the warehouse and the operations that you

2894 had connected with it, was it clear to you it was under the

2895 total control of Contra forces?

2896 . A Yes.

2897 . Q Did you ever see any person who appeared to be a

2898 North American, a white-faced person, inside the warehouse

2899 area?

UNCLASSIFIED

NAME: HIR072002

PAGE 120

UNCLASSIFIED

2900 . A I didn't see, and I can't place any American in
2901 that warehouse.

2902 . Q Also, just a moment ago when we were talking about
2903 the Sanalena, Costa Rican airstrip, you mentioned at some
2904 point you were shown a satellite photo of it. Was there
2905 anything on that photo that indicated to you it was
2906 satellite or just that it was a view from above?

2907 . A That might be a bad conclusion on my part. It
2908 seemed to be a satellite photo, although it could have been
2909 taken from 60,000 feet. It was not a low-level flight.

2910 . Q You also mentioned TRW machines were used for
2911 communications. Would machines always be used with a normal
2912 commercial telephone available down there?

2913 . A Yes.

2914 . Q During your military service, did you have any
2915 intelligence training?

2916 . A No.

2917 . Q The last question I have is about your calendars
2918 that you kept. You indicated I think at the beginning, when
2919 we were first talking about it, that some of it you put
2920 together later and some of it was contemporaneously
2921 recorded. Why did you keep the calendars when you were
2922 keeping contemporaneous entries?

2923 . A I had this feeling that John and Dick at one point
2924 wanted to see, 'But, Ian, what have you been doing? You

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UNCLASSIFIED

NAME: HIR072002

PAGE 121

2925 are sitting down there on your butt not doing anything."

2926 So I was trying to keep track of my schedule and stuff like

2927 this to say, "One, I have been working, but, yes, look at

2928 these logs and this is because of you, you can't coordinate

2929 it right."

2930 MR. PARRY: Off the record a minute.

2931 [Discussion off the record.]

2932 BY MR. ADDINGTON:

2933 Q You mentioned earlier Rhodesians or South Africans

2934 [REDACTED] Tell us what you know about that.

2935 A I had been told by Dick Gadd we would have some

2936 foreigners coming into the operation, and then later on in

2937 [REDACTED] when Cooper came down in the C-123, the first

2938 night at the safe house, he was questioning [REDACTED]

2939 whether the foreigners had showed up yet. There was

2940 discussion on whether or not they were Rhodesians or South

2941 Africans, and nobody was very clear on what they were, but

2942 it was referred to as they were carrying the proper passport

2943 to pull these inside missions. But we weren't going to be

2944 allowed to go inside Nicaragua. Before we had always been

2945 promised bonuses for crossing the fence and stuff like this.

2946 Well, a large amount of the crew was kind of hurt

2947 by the fact now we were pulling in three foreigners to do

2948 this job, and we are just going to do the simple stuff.

2949 Somewhere around May 6 is when they showed up, and I

UNCLASSIFIED

NAME: HIR072002

UNCLASSIFIED

PAGE 122

2950 remember when we were told to pick them up at the airport,
2951 that day Max and Ramon and [REDACTED] had decided that
2952 since they were paid mercenaries--and I don't like the word
2953 'mercenary'; but these were more--it was more of a fitting
2954 term for these people--since they were mercenaries and had no
2955 allegiance to the United States Government that we didn't
2956 want them listening to our conversations and knowing what
2957 was going on, so on and so forth.

2958 The safe house number two was cleared out of all
2959 Americans, they were all doubled up in the one house that we
2960 had, and another house was looked for. A couple guys went
2961 to a motel. We did rent motel rooms to put people in to
2962 clear this out to put the Rhodesians/South Africans in so
2963 they would be by themselves and wouldn't be here.

2964 That night [REDACTED] and I go over to meet them.
2965 [REDACTED] is one of the chief pilots on the--the chief rigger at
2966 that time was back home. We go in to talk to them, they
2967 introduce themselves by first name only. [REDACTED] asks
2968 them, "Well, how much time do you have flying a Caribou?"
2969 The first guy says, "a Caribou? We don't fly Caribous, we
2970 are C-⁴⁷47 pilots." [REDACTED] said, "Oh, my goodness, do you
2971 think you could fly a Caribou?" There was discussion about
2972 how the pedals on the floor are different, this and that.
2973 I talked to the parachute rigger, the third and
2974 youngest of the three. He says he can put out any load, and

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UNCLASSIFIED

NAME: N1R072002

PAGE 123

2975 I asked him if he can rig and such like that. He says,
2976 "Yes," he has been working [REDACTED] for quite some time,
2977 and he has been flying on C-47s and parachuting. So he is
2978 a rigger/road master.

2979 On the way back to the safe house, I am asking [REDACTED]
2980 [REDACTED] "What do you think about these two pilots, why would
2981 Dick Gadd fly two people who can't fly the aircraft we are
2982 going to use?" And it was just typical. That is all it
2983 was.

2984 BY MR. BROWN:

2985 Q Jan, I wanted to ask you, going back to the period
2986 of April 20 and you are on the Jet Star returning to the
2987 United States, did you have an opportunity to get to know
2988 the crew of the Jet Star?

2989 A I had a few conversations with them. I talked
2990 mostly with the stewardess.

2991 The first contact was with the co-pilot there at
2992 [REDACTED] and as I sat down at the table, he asked me what I
2993 am doing.

2994 Q Let me ask you this. Do you know their names?

2995 A No.

2996 I know that the stewardess, I was talking about my
2997 business, she was talking about her business, she was an
2998 airline flight attendant, and that she ran a business in
2999 Miami and solicited in the newspaper for people wanting to

UNCLASSIFIED

UNCLASSIFIED

NAME: HIR072002

PAGE 124

3000 apply to an airlines for a job in flight attendance, that
3001 they would pay her \$25 and go to a four-hour seminar on what
3002 kind of makeup and clothes to wear and how to fill out the
3003 job application.

3004 . I felt I could trace her down that way. She has
3005 red hair, rather attractive, a 30-35-year old lady.

3006 . Q Did you learn where her business was located?

3007 . A There in Miami. From the crew, talking to the
3008 pilot there at Southern Air, he turned around and pointed to
3009 a large office building, six, seven story office building,
3010 lot of glass on it, that that was the cosmetic company they
3011 normally flew for. They went on to state this flight wasn't
3012 a luxury flight because they didn't have the videotape
3013 recorder on there they normally flew--I think it was one of
3014 the owners of the cosmetic company who was like from Bogota,
3015 Colombia, and they were talking about he normally flew with
3016 a video deck, they could watch movies on the way back, and
3017 the majority of his cargo going back to Bogota was pampers
3018 and diapers because they couldn't get them there.

3019 . Q Did you learn of who owned the Jet Star?

3020 . A I was told that the cosmetic company owned it, and
3021 they were attempting to sell it.

3022 . Q To whom, anyone?

3023 . A To Dick Gadd/Southern Air.

3024 . MR. ADDINGTON: Off the record.

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UNCLASSIFIED

NAME: HIR072002

PAGE 125

3025 . [Discussion off the record.]

3026 . [Whereupon, at 2:45 p.m., the Select Committee

3027 adjourned to proceed to other business.]

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Dotson/drg

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4160

EXECUTIVE SESSION

DEPOSITION OF IAIN CRAWFORD (RESUMED)

Friday, March 13, 1987

House of Representatives,
 Select Committee to Investigate
 Covert Arms Transactions with
 Iran,
 Washington, D.C.

The select committee met, pursuant to call, at 2:45 p.m.
 pursuant to other business, in Room H-328, The Capitol.

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1A of 5

Declassified/Released on 1/22/88
 under provisions of E.O. 12358
 J. B. Regier, National Security Council

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2

1 BY MR. ADDINGTON:

2 Q We will do this last question Ken wants to ask
3 about, which is the CIA. We have one final question that
4 Mr. Ballen wanted to ask you. Were there any individuals
5 during the period you were down in Central America who you
6 believe had affiliations with the Central Intelligence Agency?

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Q Did they give you information?

5

A Very little, and it was always spread apart.

6

7

Q For the most part, did they stick to merely gathering information?

8

A Generally.

9

10

Q How about in [REDACTED] were they merely information gatherers?

11

A [REDACTED] it was [REDACTED] support [REDACTED]

12

13

Could I take a break for a second?

14

(Discussion off the record.)

15

BY MR. ADDINGTON:

16

Q Could you describe to us your knowledge of activities

17

18

A [REDACTED]

19

20

21

22

[REDACTED] and then a few days later it was like in May, I

23

volunteered and kind of asked if I could go along with [REDACTED]

24

Helicopter that was being flown with a large amount of food and

25

about 200 or 300 pounds of plastic explosives.

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4

1 [REDACTED] said I could go ahead and climb aboard
2 the helicopter as long as I understood it was every man for
3 himself in case we got shot down. We landed on the Nicaraguan
4 side and unloaded the stuff real quick and flew back [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Q Who else besides you [REDACTED] was on the helicopter?

9 A [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q Do you know what nationality the pilots were?

14 A They were Americans.

15 Q Did you hear them speak?

16 A We were all on headsets, and we all talked. They
17 informed me on the headset they had come in from [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 BY MR. BROWN:

22 Q What kind of helicopter?

23 A It was a [REDACTED] helicopter.

24 MR. ADDINGTON: Thank you very much. We appreciate
25 your cooperation. Your testimony is very helpful. We also

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5

1 appreciate your cooperation, Mr. Brown. If there is anything
2 more, obviously we will contact you, but I think at this time
3 you can discharge whatever obligation you have to the House
4 Select Committee and the Senate ^{Select} ~~side~~ committee. We thank you
5 very much.

6 That concludes the deposition.

7 (Whereupon, at 3:00 p.m., the deposition in the
8 above-entitled matter was concluded.)

Dotson/drg
end

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NO DATE

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CLASE _____

DESTINO _____

PESO Lbs. _____

SUMINISTRO No. _____

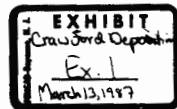
OBSERVACIONES

20 Frascos S-3
 6 Tubos RPD IV - 3 Jeringas 4 mm x 1/2
 49 - 50 Buretes - 10 Buretes
 16 Jeringas 11-49.

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NC Date
House Select Committee
Exhibit No. 2
Tain Crawford Deposition



19360 White
17010 Green
15615 Tan
13585 Yellow
11650 Black
7050 Red
4050 Brown

Parachutes
Water
Food
Commo Gr
Survival Gr
First Aid Gr
Explosives
Ammo
Guns

Apples
Oranges
Pears
Peaches
Grapes
Bananas
Apples
Pineapples
Tangerines

1234567890
STRIKELAND

Farm
Plantation
House 1
House 2
Max's Rm
Warehouse
Wash. D.C.

Farm Base
Plant Base
C1
C2
Condor Base
W1
Top Floor

Tain G.

Chicken Fighter
Rojo
Bushmaster
Blue
Farmer
White Top
Snake

Stick G.
John G.

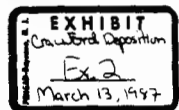
DIG
JIG

Island
Fruit Stand
Grizzly
Good Guy

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5211

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0630	4.050	1820
0635	7.050	1835
0640	11.650	1840
0645	13.585	1845
0650	4.050	1850
0655	7.050	1855
0700	11.650	1860
0705	13.585	1865
0710	4.050	1910
0715	7.050	1915
0720	11.650	1920
0725	13.585	1925

Caribou #1	Eagle 1
Caribou #2	Falcon 2
C-123	Toad 1
Maule	Toy
	Whale
	Pantastic 6
707	Pantastic 7

Bill C	Sailor
	Sea Horse
	Nomad
	Buzzard
	Injun

Max	Condor
Ramon	Care Taker
Ralph	(revelat)
H. S. Carr	Plymouth
	Nawlouk
	Timex
	Hammerhill

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